



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2990 OF 2023

1. Sachin Narayan Sonar
2. Narayan Pandit Sonar
3. Sushma Narayan Sonar
4. Yatin Narayan Sonar ...Applicants

VERSUS

1. The State of Maharashtra
2. Priyanka Sachin Sonar ...Respondents

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Mr. N.L. Chaudhari for the Applicants.

Mr. N. R. Dayama, APP for Respondent/State.

Mr. P. C. Mayure Patil for Respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 17th FEBRUARY 2025

O R D E R (Per Sanjay A. Deshmukh J.) :-

1. This is an application for quashment of the First Information Report ('FIR') vide Crime No.263 of 2022 registered with the Police Station, Deopur West, Dhule, District Dhule, for the offences punishable under Sections 498-A, 323, 504 and 34 of the Indian Penal Code, 1860 ('IPC') along with proceedings of R.C.C. No.1027 of 2022 against the applicants pending before Judicial Magistrate First

Class, Dhule.

2. During the course of hearing, after disinclination is shown to grant any relief to applicant No.1, learned Advocate for the applicants, upon instructions, seeks leave to withdraw this application as against applicant No.1. Accordingly, application is dismissed as withdrawn as against applicant No.1.

3. Learned Advocate for the applicants took us through the report in which informant/wife averred that she married with the son of applicant Nos.2 and 3, and brother of applicant No.4 on 05.05.2015. After one year of marriage informant was blessed with a daughter. Applicant No. 3 used to taunt her for begetting a daughter while applicant Nos. 2 and 4 used to verbally abuse her. She was mainly harassed because she had begotten a daughter. In the year 2017, she went to her parental house as her husband left her alone in Mumbai. Thereafter, husband of informant filed an application in Women's Grievance Redressal Cell, Dhule against the informant for cohabitation. The counseling therein succeeded, and she went for cohabitation at her matrimonial house. However, her harassment was continued. Her husband used to beat and abuse her frequently. On 23.7.2022 applicants verbally abused her. They beaten her and

demanded Rs.10 lakhs from her parents for purchasing a plot. Upon her refusal, informant and her daughter were driven out of matrimonial house.

4. On 23.7.2022, the informant filed a complaint to the Bharosa Cell, Dhule for counseling. Accordingly, seven dates were fixed for counseling of informant and her husband. In her statement before the Bharosa Cell dated 01.10.2022, she has stated that, her husband is serving in Bombay. She was hopeful that he will take her there. She was willing to stay separate from these applicants. But as her husband is not willing to stay separately, she is not willing to continue her marital tie with the husband.

5. Hence, on 01.10.2022 she filed the F.I.R with above allegations under Sections 323, 498-A, 504 and 34 of the IPC.

6. Learned Advocate for the applicants submitted that informant is not ill-treated by any of the applicants, however, she had vaguely stated that she was not properly treated. The ingredients of Sections 323, 498-A, 504 and 34 of the IPC etc. are not establishing from the report. He further submitted that the role of each of the applicant is not pointed out as to how they treated the informant with cruelty and

caused injury to her. From the report itself it reveals that she is willing to stay separately from the applicants. The vague allegations are made which are not sustainable. He therefore prayed to allow the application.

7. Learned APP, Mr. Dayama, for the State and learned Advocate Mr. Mayure for respondent No.2 strongly opposed the application and submitted that the applicants are involved in the serious crime. Their names are mentioned in the report that they have treated informant with cruelty because she had begotton a girl child. There is *prima-facie* strong evidence against the applicants. They lastly prayed to reject the application.

8. From perusal of the report, we find that omnibus allegations are made against these applicants. The cruelty as contemplated in Section 498-A of I.P.C. must be *prima facie* established from the contents of the report. The statement of informant before Bharosa Cell dated 01.10.2022 shows that the informant/respondent No.2 was not willing to cohabit with her husband in the joint family. The allegations in the report are vague and of general in nature against these applicants. No specific incident is stated in it as to when all these applicants in furtherance of their common intention harassed

and ill-treated the informant. No specific role of these applicants is pointed out to show that they individually or in furtherance of their common intention committed the said crime. If all these reasons are considered together, we are of the view that it is unjust to ask the applicants to face the trial as the ingredients of Sections 323, 498-A, 504 and 34 of the IPC are not made out. The facts and circumstances of the case warrants exercise of our powers under Section 482 of the Code of Criminal Procedure, 1973. We are therefore, inclined to allow this application to the extent of applicant Nos. 2 to 4. Hence, the following order:-

O R D E R

- i. Application is partly allowed.
- ii. Application is allowed with respect to applicant Nos.2 to 4. The FIR vide Crime No.263 of 2022 registered with the Police Station, Deopur West, Dhule, District Dhule, for the offences punishable under Sections 498-A, 323, 504 and 34 of the Indian Penal Code, 1860 ('IPC') along with proceedings of R.C. C. No.1027 of 2022 against the applicants pending before Judicial Magistrate First Class, Dhule are quashed as against applicant Nos.2 to 4.

[SANJAY A. DESHMUKH]
JUDGE

Narwade/

[SMT. VIBHA KANKANWADI]
JUDGE