



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2993 OF 2023

1. Nagesh s/o Dilip Dolaskar
Age: 31 years, Occu.: Private Service.
2. Dipali w/o Dilip Dolaskar
Age: 59 years, Occu.: Household,
3. Dilip s/o Motilal Dolaskar,
Age: 67 years, Occu.: Private Sector,
All R/o.303, Hill View Apartment,
New Mhada Colony, Pawar Nagar,
Thane (West), Mumbai.

.. Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
Bajarpeth Police Station, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon.
2. Neha w/o Nagesh Dolaskar
Age: 26 years, Occu.: Household,
Present residing at
C/o. Vijakumar Padmakar Singatkar,
Girija Vihar, Near Mangal Sharda Colony,
Bhusawal, Tq. Bhusawal,
District Jalgaon.

.. Respondents

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Mr. B. G. Londhe, Advocate for the applicants.

Mrs. P. R. Bharaswadkar, APP for respondent No.1/State.

Mr. Siddhesh A. Deshmukh h/f Mr. A. S. Deshmukh, Advocate for respondent No.2.

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

DATE : 16 JUNE 2025

ORDER :

. Present application has been filed initially for quashing the FIR
vide Crime No.378 of 2022 dated 26.07.2022 registered with Bajarpeth

Police Station, District Jalgaon and later on, by way of amendment, for quashing the proceedings in Regular Criminal Application No.286 of 2023, pending before the learned Judicial Magistrate First Class, Bhusawal, District Jalgaon for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. B. G. Londhe for the applicants, learned APP Mrs. P. R. Bharaswadkar for respondent No.1/State and learned Advocate Mr. Siddhesh A. Deshmukh holding for learned Advocate Mr. A. S. Deshmukh for respondent No.2.

3. Learned Advocate appearing for the applicants has taken us through the entire charge-sheet including the FIR, supplementary statement, spot panchanama and statements of witnesses under Section 161 of the Code of Criminal Procedure. He submits that the contents of the FIR are omnibus and general in nature and tainted with *mala fides*. No such incident had taken place. Further, the contention of respondent No.2 before the Bharosa Cell/Mahila Samupdeshan Kendra is different. Even the neighbours have not supported. Only the interested witnesses i.e. the relatives have supported. The statement of the father of respondent No.2 has not been recorded. With this material, it would be unjust to ask the applicants to face the trial.

4. Learned APP as well as learned Advocate for respondent No.2 strongly opposed the application and submits that considering the charge-sheet, there is *prima facie* evidence to proceed with the matter and, therefore, this is not a fit case where this Court should exercise its powers under Section 482 of the Code of Criminal Procedure.

5. Here, what is not in dispute is the marriage between applicant No.1 and respondent No.2 on 05.01.2021. Applicant Nos.2 and 3 are the parents of applicant No.1.

6. The FIR states that after the marriage, the informant went to reside with her husband at Thane where all the applicants were residing together. She states that she was treated properly for about a month and thereafter, applicant Nos.2 and 3 started abusing her on trifle grounds and when she used to convey it to applicant No.1, he used to assault and abuse her. She told the said fact to her uncle, who had given her advise that since the marriage has taken place recently there would be quarrels on trifle grounds. She continued to cohabit, but then she states that on 11.07.2021 she had gone to Bhusawal at the place of her uncle on the count of Aashadhi and returned to the matrimonial home on 25.07.2021. The applicants raised dispute on trifle ground and drove her out of the house. She went to Bhusaval and then had lodged complaint application with Mahila Aayog, Bhusaval (it appears that she

wanted to say that it was before a Women Cell in Bhusaval). She then states that on 08.04.2022 the applicants took her back for cohabitation at Thane and treated her properly for some days. Thereafter, they started saying as to why she had lodged complaint with Women Cell. Then they started demanding amount of Rs.20,00,000/- for purchase of plot at Thane. When she expressed that her uncle is unable to give that much amount, applicant No.1 got annoyed and abused her. Applicant Nos.2 and 3 went near her and by giving slaps and fists, they told her that if she is able to get the amount of Rs.20,00,000/-, then only she would be allowed to stay with them. Then she went to police station along with her uncle on 26.07.2022 and lodged the report. By way of supplementary statement, she has stated that due to the harassment she had left the matrimonial home on her own on 02.07.2022 and went to the house of her uncle. She had not taken any ornament or clothes along with her at that time.

7. Thus, perusal of these contents would show that specific role is attributed to each of the applicant. Even she had gone to the Women Cell earlier also at Bhusaval and had lodged a complaint application. Non recording of the statement of her father cannot be the ground for quashment of the FIR and the proceedings. Statement of her uncle, her family members and the neighbouring persons, where she has allegedly gone and stayed at Bhusaval, have been recorded. There are

statements of the neighbours from Thane, i.e. the matrimonial home of respondent No.2, but all of them have stated that they are not on visiting terms with the house of the applicants and, therefore, they are unable to say anything. That means, that inquiry has also been made by the investigating officer. Now, there is no reason to outrightly disbelieve the informant by finding certain contradictions and omissions. In fact, contradictions and omissions can be considered only after the trial and not at the stage of application under Section 482 of the Code of Criminal Procedure and, therefore, we do not find this to be a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure.

8. Hence, the application stands rejected.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm