



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 3133 OF 2022

1. Deepak Dagadu Ahire
Age : 40 years, Occ : Nil,
2. Shindubai Dagadu Ahire
Age : 68 years, Occ : Household,
3. Dagadu Bhagaji Ahire
Age : 75 years, Occ : Nil,

All r/o Khandala,
Tq. Shrirampur, Dist. Ahmednagar.
4. Deelip Dagadu Ahire
Age : 35 years, Occ : Service,
R/o B-301, Rhythem Harmony,
Chakan Shikrapur Road,
Dist. Pune.

..APPLICANTS

-VERSUS-

1. The State of Maharashtra,
2. Sau. Sureshani Deepak Ahire
Age : 35 years, Occ : Household,
R/o c/o Sureshani Harishchandra Jevarikar
Karmaveer Dadasaheb Gaikwad Housing
Society, Near kranti Chowk Police Station,
Aurangabad.

..RESPONDENTS

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Advocate for the applicants : Mr. Anil H. Dhupe
APP for Respondent- State : Mr. A.D. Wange
Advocate for respondent No.2 : Mr. Shaikh A. R.

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**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATED : 2nd JANUARY, 2025

JUDGMENT (PER ROHIT W. JOSHI, J.) :

. The present criminal application is filed under Section 482 of the Code of Criminal Procedure (Cr.P.C.) in order to challenge the F.I.R. No.0069/2022 registered with Kranti Chowk Police Station, Dist.Aurangabad on 22.03.2022, for the offences punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code (I.P.C.)

2. Subsequently, charge-sheet came to be filed in the matter, vide Final Report No.92/2022 and Regular Criminal Case No.1650/2022 came to be registered against the applicants, which is pending on the file of the learned Chief Judicial Magistrate, Aurangabad. The application came to be amended in order to challenge the said charge-sheet and criminal case.

3. Respondent No.2 is the informant. Applicant No.1 is her husband, applicant No.2 is the mother-in-law, applicant No.3 is the father-in-law and applicant No.4 is brother-in-law of respondent No.2.

4. On perusal of F.I.R. and upon hearing learned counsel for the applicants for some time, we had expressed disinclination to grant

any relief to applicant Nos.1 to 3. The learned counsel for the applicants, on instructions, made a motion seeking to withdraw the application for applicant Nos.1 to 3. We permitted learned counsel to withdraw the application. Accordingly, the application is rejected with respect to applicant Nos.1 to 3 as withdrawn.

5. As per allegations in the F.I.R., the marriage of respondent No.2 was solemnized with applicant No.1 on 14.06.2020. The F.I.R. is lodged on 21.03.2022 and as per the contents of F.I.R. for a period of 18 months prior to the said date, respondent No.2 is residing at her maternal home. The allegation in the F.I.R. is that a few days after the marriage, the in-laws of respondent No.2 started raising issues with respect to gifts and presents given to them during the marriage. She alleges that shortly after the marriage, her husband had suffered injury in an accident at the residence. Respondent No.2 alleges that all the applicants blamed her for the said accident saying that she had brought bad omen to the house. It is alleged that applicant Nos.1 to 3 were making a demand of dowry of Rs.10,00,000/-, however, this allegation is not levelled against applicant No.4. The only allegation against applicant No.4 is that he had caused mental harassment to respondent No.2 on one occasion when his brother had met with accident in the residential house by stating that she had brought bad omen in the

house. Apart from this, there is no allegation against applicant No.4 in the F.I.R. Respondent No.2 has filed affidavit in reply opposing the application, wherein also no specific allegations have been levelled against applicant No.4.

6. In absence of any allegations in the F.I.R. and as also statements of other witnesses in the charge-sheet which were perused with the assistance of the learned counsel appearing in the matter, we are of the considered opinion that continuation of criminal prosecution against applicant No.4 will be abuse of process of law. We find that there is absolutely no allegation worth mentioning against applicant No.4 in order to attract the ingredients of Section 498-A of the Indian Penal Code or even to remotely suggest common intention in order to attract Section 34 of the Indian Penal Code. Criminal prosecution against applicant No.4, therefore, deserves to be quashed. Hence, we pass the following order:

ORDER

- (i) The application is partly allowed.
- (ii) The application with respect to applicant Nos.1 to 3 is rejected as withdrawn.
- (iii) F.I.R. No.0069/2022 registered with Kranti Chowk Police

Station, Dist. Aurangabad City on 22.03.2022, for the offences punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code, Charge-Sheet No.92/2022 and Regular Criminal Case No.1650/2022 pending on the file of the learned Chief Judicial Magistrate, Aurangabad are hereby quashed against applicant No.4 - Deelip Dagadu Ahire.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

sga/