



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

52 CRIMINAL APPLICATION NO.3956 OF 2024

- 1 Prashant Prakash Dahibhate,
Age 33 yrs., Occ. Labour,
R/o Vivare (Bk), Tq. Raver,
Dist. Jalgaon.
- 2 Sarala w/o Prakash Dahibhate,
Age 52 yrs., Occ. Household,
R/o Plot No.8, Dhobi Wada,
At Post Vivare (Bk), Tq. Raver,
Dist. Jalgaon.
- 3 Kiran Sagar Sonawane,
Age 30 yrs., Occ. Private Service,
R/o C/o Subhash Tukaram Sonawane,
Monika Apartment, Plot No.226,
Flat No.32, Opp. Deluxe Theatre,
Pimpri, Pune City, Pune.
- 4 Priya Pravin Jamodkar,
Age 27 yrs., Occ. Household,
R/o C/o Pravin Ganesh Jamodkar,
RB-1, 11/C, Kandari Road, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
Through the Police Inspector,
Police Station, Soygaon,
Tq. Soygaon, Dist. Aurangabad (Rural).
- 2 Sarita Prashant Dahibhate,
Age 21 yrs., Occ. Household,
R/o C/o Babulal Asaram Tupe,

Wadi, Tq. Soygaon,
Dist. Aurangabad.

... **Respondents**

...

Mr. P.V. Balkhande, Advocate for applicants

Mr. A.D. Wange, APP for respondent No.1

Mr. H.V. Tungar, Advocate for respondent No.2

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

DATE : 25th MARCH, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed for quashment of proceedings in Regular Criminal Case No.47/2023 pending before learned Judicial Magistrate First Class, Soygaon, Dist. Aurangabad arising out of First Information Report vide Crime No.201/2022 dated 19.10.2022 registered with Police Station, Soygaon, Dist. Aurangabad, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1960.

2 After disinclination is shown to grant any relief to applicant Nos.1 and 2, learned Advocate for applicants, upon instructions, seeks

withdrawal of the application as against applicant Nos.1 and 2. It was in view of the specific role attributed to applicant Nos.1 and 2 i.e. husband and mother-in-law in the First Information Report as well as in statements of witnesses.

3 Applicant Nos.3 and 4 are the married sisters-in-law of respondent No.2.

4 Heard learned Advocate Mr. P.V. Balkhande for applicants, learned APP Mr. A.D. Wange and learned Advocate Mr. H.V. Tungar for respondent No.2. In order to cut short, it can be said that they have argued in support of their respective contentions.

5 Perusal of First Information Report would show that respondent No.2 got married to applicant Prashant on 15.06.2019 and prior to that present applicant Nos.3 and 4 were married and they were residing at their respective matrimonial homes. Informant states that when they used to come to their parental home, at that time, they used to instigate husband and mother-in-law by saying that respondent No.2 has not brought anything in the marriage, therefore, they should ask her to bring money for purchasing a house at Pune. Thus, according to informant, applicant Nos.3 and 4 used to instigate applicant Nos.1 and 2.

6 Statements of witnesses, who are mainly the relatives of respondent No.2, have reiterated the same facts in their statements under Section 161 of the Code of Criminal Procedure.

7 We are of the opinion that there cannot be an instigation or abetment to commit cruelty as defined under Section 498-A of the Indian Penal Code as observed by the Hon'ble Supreme Court in **Jayedeeptsinh Pravinsinh Chavda and others vs. State of Gujarat** [2024 INSC 960]. Individual act will have to be considered and further those allegations about instigation are omnibus and vague. Certainly, they appeared to have been made to rope all the relatives of husband with an ulterior motive. Therefore, case is made out for exercising our powers under Section 482 of the Code of Criminal Procedure in favour of applicant Nos.3 and 4. Hence, following order.

ORDER

- i) Criminal Application stands partly allowed.
- ii) Criminal Application stands disposed of as withdrawn, after disinclination, as against applicant Nos.1) **Prashant Prakash Dahibhate** and 2) **Sarala w/o Prakash Dahibhate**.

iii) Criminal Application stands allowed as against applicant Nos.3) **Kiran Sagar Sonawane** and 4) **Priya Pravin Jamodkar**.

iv) The proceedings in Regular Criminal Case No.47/2023 pending before learned Judicial Magistrate First Class, Soygaon, Dist. Aurangabad arising out of First Information Report vide Crime No.201/2022 dated 19.10.2022 registered with Police Station, Soygaon, Dist. Aurangabad, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1960, stands quashed and set aside as against applicant Nos.3 and 4.

(ROHIT W. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)

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