



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

CRIMINAL APPLICATION NO. 3347 OF 2023

1. Pawan Trimbak Salunke
Age : 24 years, Occ : Agri.,
R/o Nagapur (Khurd),
Tq. & Dist. Beed.
2. Trimbak S/o Keshav Salunke
Age : 68 years, Occ : Agri.,
R/o As above.
3. Sita W/o Trimbak Salunke
Age : 65 years, Occ : Household,
R/o As above.
4. Rohini W/o Datta Kadam
Age : 38 years, Occ : Household,
R/o Malasjawala,
Tq. & Dist. Beed.
5. Gita W/o Sidheshwar Ghadge
Age : 35 years, Occ : Household,
R/o Near Zunjarneta Press
Malives, Beed, Tq. & Dist. Beed.
6. Seema W/o Arun Raut
Age : 31 years, Occ : Household,
R/o Malasjawala,
Tq. & Dist. Beed.
7. Arun Khanderao Raut
Age : 37 years, Occ : Agri.,
R/o Malasjawala,
Tq. & Dist. Beed.

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
Through Police Inspector
Dharur Police Station,
Tq. Dharur, Dist. Beed.

2. Mandakini W/o Pawan Salunke
Age : 22 years, Occ : Household,
At present R/o Dhunkawad No.1,
Tq. Dharur, Dist. Beed.

..RESPONDENTS

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Advocate for the applicants : Mr.N.L. Jadhav
APP for Respondent- State : Mrs. R.P. Gour
Advocate for respondent No.2 : Mr. S.R. Kedar

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

DATED : 2nd JANUARY, 2025

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

. The applicants in the present matter are husband, father-in-law, mother-in-law, married sisters-in-law and husband of one of the married sisters-in-law of respondent No.2.

2. The marriage of respondent No.2 was solemnized with applicant no.1 on 11.06.2020. Respondent No.2 has lodged F.I.R. against applicants, being F.I.R. No.193/2023 with Dharur Police Station, Tq.Dharur, Dist.Beed on 24.06.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code (I.P.C.) and Section 4 of the Prohibition of Dowry Act, 1961. The applicants have filed the present application seeking quashment of the said F.I.R. so also the Charge-Sheet

No.108/2023 dated 18.07.2023 and Regular Criminal Case No.114/2023 registered pursuant to the said F.I.R., which is pending for adjudication before the Court of learned Judicial Magistrate, First Class, Dharur.

3. Respondent No.2 has stated in the F.I.R. that her marriage with applicant No.1 was solemnized on 11.06.2020 and after a period of around 15 days from the date of marriage, applicant No.1/husband started doubting her character and as consequence of this, he started harassing her physically as well as mentally. She alleges that applicant No.1 used to beat her on account of such doubt and when she brought this fact to the notice of her parents-in-law i.e. applicant Nos.2 and 3 and other applicants, she was shocked to find that they did not find any fault with applicant No.1, but rather stated that her parents did not offer appropriate presents to the in-laws during the marriage and had given negligible amount of Rs.2,00,000/- towards dowry. She alleges that the applicants asked her to bring Rs.4,00,000/- from her parents in order to enable applicant No.1 to start business of retail sale of electrical goods. She alleges that on 30.05.2023, applicant No.1 had called her brother Gorakh asking her father to come to the house. Accordingly, her father came to her house at around 12 noon on 30.05.2023. She alleges that applicant Nos.1 to 3 asked for a sum of

Rs.4,00,000/- for starting the business of sale of electrical goods and also that they had beaten her in front of her father and brother while making demand of dowry. She also alleges that when her brother and father intervened, applicant No.1 charged at them with stick in his hand.

4. During the course of investigation, statements of father, mother, brother and two relatives of respondent No.2 have been recorded.

5. At the outset we state that the present application was dismissed as withdrawn with respect to applicant No.1, vide order dated 01.11.2023.

6. As regards applicant Nos.2 and 3, F.I.R. contains a specific allegation regarding demand of dowry of Rs.4,00,000/-. The allegation pertaining to the incident dated 30.05.2023 where demand of dowry was made in presence of father and brother of respondent No.2 and applicant Nos.1 to 3 had also beaten respondent No.2 in presence of her father and brother is a specific allegation. The date, time and particulars have been mentioned in the F.I.R. It is also alleged that after the said incident, applicant No.1 had removed all the ornaments that

respondent No.2 was wearing and had forced her to leave the house along with her father and brother. This incident had allegedly occurred in presence of applicant Nos.2 and 3. In view of the aforesaid specific allegations in the F.I.R. which also find place in the statements of the witnesses recorded by the prosecution, we find that this is not a fit case for quashing of F.I.R. or criminal prosecution with respect to applicant Nos.2 and 3. The correctness or otherwise of the allegations can not be tested in the present proceedings filed under Section 482 of the Cr.P.C.

7. As regards applicant Nos.4 to 6, they are married sisters-in-law of respondent No.2. Applicant No.7 is husband of applicant No.6. Perusal of F.I.R. and statements of the witnesses will demonstrate that there are no specific allegations of harassment, illtreatment or cruelty against them. The only statement in the F.I.R. is that applicant Nos.4 to 7 had also stated that parents of respondent No.2 did not incur appropriate expenditure in the marriage and had asked her to bring an amount of Rs.4,00,000/- from her parents in order to enable applicant No.1 to start his business. However, the tentative period of alleged demand, place of demand and such particulars are pertinently absent in the F.I.R. It is not clear as to whether demand was made by all of them together or individually. The allegation is absolutely vague. It appears that due to strained relationship with applicant No.1, his sisters and

husband of one of the sisters is sought to be implicated in the matter. It is now well settled that the relatives of husband should not be forced to face criminal prosecution under Section 498-A of the Indian Penal Code unless there are clear and specific allegations in the F.I.R. and statements of the witnesses indicating commission of offence. In the present case, the allegations are absolutely vague and lacking in all material particulars. In view of the settled legal position by catena of judgments of the Hon'ble Supreme Court as also this Court, we are of the considered opinion that the allegations in the F.I.R. and statements of family members and relatives of respondent No.2 recorded during the course of investigation are grossly insufficient to make out offence under Section 498-A of the Indian Penal Code against applicant Nos.4 to 7. We are therefore inclined to allow the application with respect to applicant Nos.4 to 7. Hence, we pass the following order:

ORDER

- (i) The application is partly allowed.
- (ii) The application is disposed of as withdrawn against applicant No.1 - Pawan Trimbak Salunke.
- (iii) The application with respect to applicant No.2-Trimbak S/o Keshav Salunke and applicant No.3 - Sita W/o Trimbak Salunkeand is rejected.

(iv) F.I.R. No.193/2023 registered with Dharur Police Station, Tq.Dharur, Dist.Beed on 24.06.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and Section 4 of the Prohibition of Dowries Act, 1961, Charge-Sheet No.108/2023 dated 18.07.2023 and Regular Criminal Case No.114/2023 pending before the Court of learned Judicial Magistrate, First Class, Dharur, are hereby quashed against applicant No.4 - Rohini W/o Datta Kadam, applicant No.5 - Gita W/o Sidheshwar Ghadge, applicant No.6 - Seema W/o Arun Raut and applicant No.7 - Arun Khanderao Raut.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

sga/