



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3458 OF 2023

- 1) Nitin S/o Shivaji Pawar,
Age-31 years, Occu:Agril.,
- 2) Shivaji S/o Pitambar Pawar,
Age-55 years, Occu:Agril.,
- 3) Ujjwala W/o Shivaji Pawar,
Age-50 years, Occu:Housewife,
- 4) Pratidnya D/o Shivaji Pawar,
Age-27 years, Occu:Service,

Applicant Nos.1 to 4, All
R/o-Survey No.54, Kodre Nagar,
Mundhwa, Taluka-Haveli, District-Pune.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through P.S.I., Deopur West
Police Station, Dhule,
District-Dhule,
- 2) Dipika W/o Nitin Pawar,
Age-27 years, Occu:Service,
C/o-Ravindra S/o Popat Bhadane,
R/o-SRP Colony, Plot No.3 B,
Nakane Road, Deopur, Dhule,
District-Dhule.

...RESPONDENTS

...
Mr. Prakashsingh B. Patil Advocate for Applicants.
Ms.Kalpalata B. Patil Bharaswadkar, A.P.P. for Respondent No.1.
Mr. Anudeep D. Sonar Advocate for Respondent No.2.

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**CORAM: SMT. VIBHA KANKANWADI AND
MANJUSHA DESHPANDE, JJ.**

DATE : 17th APRIL, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed under Section 482 of the Code of Criminal Procedure, initially for quashing the the First Information Report (for short "the FIR") vide Crime No. 203 of 2023 registered with Deopur West Police Station, Deopur, District-Dhule, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, and by way of amendment for quashing the proceedings in R.C.C. No. 676 of 2023 pending before the learned Judicial Magistrate First Class, Dhule, District-Dhule.

2. Heard learned Advocate Mr. Prakashsingh Patil for the applicants, learned APP Ms. Kalpalata Patil Bharaswadkar for respondent No.1 and learned Advocate Mr. Anudeep Sonar for respondent No.2.

3. Learned Advocate for the applicants, after disinclination is shown to grant any relief to applicant No.1 - husband, seeks

withdrawal of the application as against applicant No.1.

4. The matter proceeded for the reliefs claimed on behalf of applicant Nos. 2, 3 and 4. From the FIR and the charge-sheet, what is not in dispute is that applicant No.1 and respondent No.2 got married on 25th April 2022. Applicant Nos.2 and 3 are the parents of applicant Nos.1 and 4, and applicant No.4 is sister of applicant No.1. At the time of marriage, all the applicants were residing together and respondent No.2 joined their company after the marriage.

5. The informant contends that she is employed in Infosys Company at Pune as Software Engineer. She was treated properly by the applicants for about three months after the marriage. But then she states that thereafter applicant No.3 started demanding the amount of her salary to her, but when she refused to give, then applicant No.3 used to give pinching words and used to say that proper dowry as per their wish has not been given by her parents, she should bring an amount of Rs.20,00,000/- from her parents. Applicant No.4 used to abuse and give pinching words to her and instigate the husband of the informant. The husband then used to abuse and assault her. She has then specifically stated that all the applicants used to

demand amount for purchasing flat at Pune and agricultural land to be purchased at their native place. When the informant told that her father had already incurred huge expenses by selling land on her marriage and therefore, he will not be able to fulfill the demand, then since August 2022, the applicants intensified the harassment. The informant had then disclosed the said fact to her parents and then her parents had called the applicants to Dhule i.e. the parental home of the informant and tried to give advise but the applicants did not listen. Applicant Nos. 1 to 3 then called her father at Pune on 9th August 2022. It was told that the informant should go along with her father for the festival of *Rakhi Pournima* and then she was forced to leave the matrimonial home and none of the applicants have come to take her for cohabitation. She had requested applicant No.1 to take her back but the applicants continued the demand and refused to take her back. A meeting was organized on 20th November 2022, wherein the mediator through whom the marriage was settled and the relatives, were also involved. But at that time it was specifically told that till the demands are fulfilled, respondent No.2 will not be taken back for cohabitation. Thereafter applicant No.1 filed Petition for divorce before the Family Court at Pune and the conciliation efforts failed.

6. Thus, taking into consideration those allegations and the statements of the witnesses under Section 161 of the Code of Criminal Procedure, it can be seen that the main allegations are against the husband. Now as regards the mother-in-law is concerned, it is stated that she used to demand money of the salary of the informant and when she refused, pinching words were given. Now, which were those pinching words have not been specifically stated and if those were the words as quoted in the FIR, then those cannot be stated to be the pinching words. The parents have not given the dowry as per their wish, was one such statement. Now this is a vague statement. What was agreed and what was given, has not been stated. Then the second statement is that she should bring amount of Rs.20,00,000/- from her parents. For what purpose that amount was demanded is not stated in continuation, if that statement is to be attributed to the mother-in-law. But then there is a separate statement in which it is stated that all the applicants used to tell her that since they want to purchase another flat at Pune and purchase agricultural land at native place, she should bring the amount from the parents. Now, the figure of the amount is missing in the second statement. Thereafter it is

stated that since the informant could not fulfill the demand, the applicants intensified the harassment since August 2022. The specific acts of harassment are then not stated.

7. As regards the incident dated 9th August 2022 is concerned, it is stated by the informant that applicant Nos. 1 to 3 had called her father to Pune and asked the informant to go with him for the festival of *Rakhi Pournima*. The informant does not say nor the father says that the informant had refused to go with the father. Now, the further facts are disputed i.e. the husband had not responded properly to the phone calls and had not taken her back for cohabitation. Since the informant is accepting the fact that on the date of FIR, already applicant No.1 had lodged petition for divorce, we are constrained to have a look at the same wherein he says that there was an attempt by him to bring the informant for cohabitation. Under the said circumstance, the said allegations against applicant Nos. 2 to 4 are vague and omnibus which cannot be considered as cruelty as defined under Section 498-A of the Indian Penal Code. We take this to be a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure in favour of applicant Nos.2 to 4. Hence, we pass following order:-

ORDER

(I) The Application stands partly allowed.

(II) The Application stands dismissed as withdrawn as against applicant No.1 - Nitin S/o Shivaji Pawar.

(III) The Application stands allowed as against applicant Nos. 2, 3 and 4.

(IV) The proceedings in R.C.C. No. 676 of 2023, pending before the learned Judicial Magistrate First Class, Dhule, District-Dhule, arising out of the First Information Report vide Crime No. 203 of 2023 registered with Deopur West Police Station, Deopur, District-Dhule, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant Nos. 2 to 4 i.e. - 2) Shivaji S/o Pitambar Pawar, 3) Ujjwala W/o Shivaji Pawar and 4) Pratidnya D/o Shivaji Pawar.

[MANJUSHA DESHPANDE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE