



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 CRIMINAL APPLICATION NO.3472 OF 2023

- 1 Nikhil Bhagwan Ambhore,
Age 34 yrs., Occ. Private Service,
R/o Plot No.32, Mayur Park Road,
Sujata Housing Society, Aurangabad.
- 2 Sunita Bhagwan Ambhore,
Age 53 yrs., Occ. Household,
R/o Plot No.32, Mayur Park Road,
Sujata Housing Society, Aurangabad.
- 3 Rohan Bhagwan Ambhore,
Age 30 yrs., Occ. Private Service,
R/o Plot No.32, Mayur Park Road,
Sujata Housing Society, Aurangabad.

... Applicants

... Versus ...

- 1 The State of Maharashtra
Through Police Station, Harsool.
- 2 Snehal Nitin Ambhore,
Age 26 yrs., Occ. Household,
R/o Plot No.32, Mayur Park Road,
Sujata Housing Society, Aurangabad.
At present r/o Galli No.3,
Chhatrapati Nagar, Harsool,
Aurangabad.

... Respondents

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Mr. M.S. Pophale, Advocate h/f Mrs. Dhanashri A. Patil, Advocate for
applicants

Mr. V.K. Kotecha, APP for respondent No.1

Mr. S.S. Dixit, Advocate for respondent No.2

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

DATE : 10th JANUARY, 2025

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

1 Present application has been filed initially for quashing First Information Report vide Crime No.120/2023 dated 15.06.2023 registered with Harsool Police Station, Aurangabad and later on by way of amendment for quashing charge sheet i.e. proceedings in Regular Criminal Case No.19/2024 pending before learned Judicial Magistrate First Class, Aurangabad, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and under Section 3 and 4 of the Dowry Prohibition Act, 1961.

2 Heard learned Advocate Mr. M.S. Pophale holding for learned Advocate Mrs. Dhanashri A. Patil for applicants, learned APP Mr. V.K. Kotecha for respondent No.1 and learned Advocate Mr. S.S. Dixit for respondent No.2. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 What is not in dispute is that respondent No.2 got married to applicant No.1 on 29.01.2023. She says that at the time of marriage her parents had given 10 grams of gold ring, two tolas of gold locket, cash of Rs.3,00,000/- and household articles to applicant No.1. Applicant No.1 is a Software Engineer and he used to do the work from home. All the applicants used to stay together, who are her husband, mother-in-law and brother-in-law.

4 According to informant, she was not treated well by applicants even for a day after the marriage. Mother-in-law used to say that she is unable to do the work properly and unable to cook food properly. The burn mark on her left hand is ugly and, therefore, she is not good looking and such girl having burn marks should not reside in her house. Informant says that she was abused and assaulted on trifle counts and all applicants told her that if she wants to cohabit, then she should bring amount of Rs.5,00,000/-. The mother-in-law and husband had then abused and assaulted her and they took her gold necklace, gold chain, ear ring, ring and drove her out of the house. She gave telephone call to her brother and came to her mother's place. After 15 days, when she went along with her maternal uncle, maternal uncle of husband, her mother and brother to the matrimonial home, at that time, they tried to persuade applicants, but applicants did not allow her to cohabit. She

then says that again there was an attempt by her to go for cohabitation but the husband and mother-in-law did not allow her to come inside the house. Once again on 02.04.2023 she had gone to matrimonial home and found that all the applicants had left the house and went somewhere. Then she gave application to Women's Redressal Forum in April. Applicants did not remain present there also, but then she says that she has been harassed and, therefore, lodged the report.

5 At the outset, 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 the statements of witnesses.

6 Matter proceeded for the relief claimed by applicant No.3 – brother-in-law.

7 As aforesaid, as regards applicant No.3 is concerned, there is no specific role attributed in the subsequent part, though initially it is only stated that he was also residing together with the husband and mother-in-law. It appears that he has unnecessarily roped and, therefore, case is made out for

grant of relief by exercising powers under Section 482 of the Code of Criminal Procedure in his favour. 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) **Nikhil Bhagwan Ambhore** and 2) **Sunita Bhagwan Ambhore**.
- iii) Criminal Application stands allowed as against applicant No.3 **Rohan Bhagwan Ambhore**.
- iv) Charge Sheet i.e. proceedings in Regular Criminal Case No.19/2024 pending before Judicial Magistrate First Class, Aurangabad arising out of First Information Report vide Crime No.120/2023 dated 15.06.2023 registered with Harsool Police Station, Aurangabad, for the offence punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961 stands quashed and set aside as against applicant No.3 Rohan Bhagwan Ambhore.

(ROHIT W. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)

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