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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 CRIMINAL APPLICATION NO. 3508 OF 2023

1. Datta s/o Sidram Surwase,
Age 53 years, Occu-Agriculturist
2. Janabai w/o Datta Surwase
Age-42 years, Occu-Household

Applicant Nos. 1 and 2 R/o Near Lijjat
Papad Karkhana, Tuljapure Nagar,
Latur, Tq. And Dist. Latur
3. Shubhangi w/o Abhay Waghmare,
Age-27 years, Occu-Household,
R/o Moreshwar Society (chs),
Flat No.617, Ghansoli Sector 1,
Navi Mumbai – 400 701
4. Damyanti w/o Babruvahan Suryawanshi,
Age-40 years, Occu-Household,
R/o Survey No.216, Shrikrishna
Mandir Road, Sant Tukaram Nagar,
Bhosarigaon, Pune, Tq. And Dist.Pune
5. Nitin s/o Datta Surwase,
Age-28 years, Occu-Private Service,
r/o Moreshwar Society, Flat No.617,
Near Ghansoli Railway Station,
Navi Mumbai – 400 701.
6. Siddhu s/o Datta Surwase,
Age-30 years, Occu-Private Service,
r/o Trivini Nagar, Tower Line,
Pune

-- APPLICANTS

VERSUS

1. The State of Maharashtra

2. Manasi w/o Siddhu Surwase,
Age-21 years, Occu-Household,
R/o Rohidas Nagar, Besides
Hanuman Mandir, Udgir,
Tq.Udgir, Dist.Latur

-- RESPONDENTS

Mr.P.S.Koshti, Advocate for the applicants.

Mr.G.A.Kulkarni, APP for the Respondent/State.

**(CORAM : SMT. VIBHA KANKANWADI AND
SUSHIL M. GHODESWAR, JJ.)**

DATE : 2 SEPTEMBER 2025

PER COURT :

1. Leave to correct the name of applicant No.2. Correction to be carried out within 2 days.

2. The present application has been filed initially for quashing the FIR vide CR No.139/2023, registered with Udgir City Police Station, Tq. Udgir, Dist.Latur and later on by way of an amendment in view of filing of the charge sheet for quashing the proceedings in RCC No.235/2023 pending with learned J.M.F.C. Udgir for the offences punishable u/s 498-A, 323, 504 and 506 r/w 34 of the IPC.

2. Heard the learned Advocate for the applicants and the learned APP for respondent No.1. The learned Advocate for respondent No.2 is absent.

3. It will not be out of place to mention here that the application stood withdrawn as against applicant No.6/husband in view of the order dated 02.01.2024.

4. It is not in dispute that respondent No.2 and original applicant No.6 got married on 16.03.2022. Applicant Nos. 1 and 2 are the parents in Law. Applicant No.3 is the sister in law and applicant No.5 is the brother in law of respondent No.2/informant. Applicant No.4 is the sister of applicant No.2 i.e. the maternal aunt of the husband.

5. Perusal of the FIR would show that applicant Nos. 1 and 2 used to stay at Latur. The FIR is totally silent about where the husband / applicant No.6 was serving and staying. So also, applicant No.5 is the brother in law. Applicant No.3 is the married sister in law. Though in the FIR, it is stated that she used to come occasionally to the

parental home, yet her address in the charge sheet is different from Latur and not even that of applicant Nos. 1 and 2. Applicant No.4 is the maternal aunt, who resides at Pune. Therefore, it is certain that applicant Nos. 3 and 4 would have been occasionally visiting the matrimonial home and surprisingly, when the marriage had taken place on 16.03.2022. In the FIR, it is stated that the informant was driven out of the house on 17.04.2022. That means, the marriage, co-habitation wherever it was lasted, was hardly for a month. In the FIR, there is also a statement that after the marriage ceremonies, she resided for 15 days in the matrimonial home and therefore, she as well as the original applicant No.6, went to their room on 24.03.2022. Now where this room is situated, has not explained. We are forced to see the documents filed by the accused/applicants wherein we could get that the original applicant No.6 got appointed with Tata Company on 28.06.2021 and his address on the appointment letter is mentioned as, Trivini Nagar Tower Line, Pune, Maharashtra.

6. It is specifically pleaded that applicant No.6 was serving at Pune and therefore if we have to take the statement in the FIR with this reference that on 24.03.2022, respondent No.2 and her husband went

to stay in their room, then it should be at Pune and then she states that she was asked to bring amount of Rs.5,00,000/- for constructing a house, digging bore well and separate demand was for a flat at Pune. If the husband was not residing in Pune or in other words, he is residing at Latur, then why there was a need to take a flat at Pune and all these things about harassment are stated to have taken place within 8 days. Even the calculation of 15 days stay at matrimonial home does not appear to be correct. The FIR is, therefore, nothing but an exaggeration.

7. The investigation of the matter carried out by Mr.Jairam Govindrao Puttewad, Police Head Constable 1469, Udgir City Police Station is not only faulty, but also absurd. He has carried out the panchnama of the house of the father of the informant i.e. at Rohidas Nagar, near Hanuman Mandir, Udgir, when the matrimonial home, allegedly where the offence had taken place, is stated to be Swami Vivekanand Chowk, Tuljapure Nagar, Near Lijjat Papad Factory, Latur. He has absolutely not understood as to what is the offence and how the investigation ought to have been carried. The statements of witnesses are the further exaggerations and what was not even stated in the FIR

have been stated by the witnesses, who were admittedly not present when the alleged acts were done and they have stated that on the basis of the information given by the informant/respondent No.2, they were making that statement. Therefore, with this kind of investigation and the material, when the co-habitation of only 8 days at the matrimonial home with applicant Nos. 1 and 2 or we may include even applicant No.5, taking into consideration the address given in the charge sheet, we take this to be the fit case where we should exercise our powers under Sections 482 of the Cr.P.C.

8. In cases under section 498 A of the IPC, it appears that the Police find themselves to be bound by the FIR and the statements and then, they take it that it is their duty to file the charge sheet. In fact, there has to be an independent investigation. It is not that always the informant in such cases is right. The investigation has to be fair and not just to show it. We would have taken this case as the classic example where the applicants could have been asked to be compensated by the State for such faulty investigation, of course with a liberty to the State then to recover the compensation amount from the erring Officer. Yet, we had to say that now 2 years have passed, but the

same should be taken as the caution by the Police Authorities that they should carry out fair and independent investigation and not under pressure from anybody.

9. With these observations, we allow the application in terms of prayer clause B1, as against applicant Nos. 1 to 5 namely Datta s/o Sidram Surwase, Janabai w/o Datta Surwase, Shubhangi w/o Abhay Waghmare, Damyanti w/o Babruvahan Suryawanshi and Nitin s/o Datta Surwase.

(SUSHIL M. GHODESWAR, J.)

(SMT. VIBHA KANKANWADI, J.)