



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION 4296 OF 2023

1. Jijabao S/o. Hemlal Salunkhe
Age 66 years, Occ. Agri.
2. Vidyabai W/o Jijabao Salunkhe
Age 61 years, Occ. Housewife

Both R/o- Marwad Tq- Amalner,
Dist- Jalgaon
3. Sunil S/o. Jijabao Salunkhe
Age 42 years, Occ. Service,
4. Pratiksha W/o. Sunil Salunkhe
Age 36 years, Occ. Housewife

VERSUS

1. The State of Maharashtra
(Through Police Inspector,
Sindkheda Police Station,
Shindkheda, Dist- Dhule)
2. Jagruti W/o. Mukhesh Salunkhe
Age 29 years, Occ. Housewife,
R/o. Jakhan, Sindkheda, Dist. Dhule ...Respondents

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Mr. B. R. Warma for the Applicants.
Mr. S. A. Gaikwad APP for Respondent/State.
Mr. Patekar N. B. for respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 6TH FEBRUARY 2025

O R D E R (Per Sanjay A. Deshmukh J.) :-

1. This is an application for quashment of the report lodged by the informant / respondent No.2 against her husband and present applicants vide C.R. No. 181 of 2023 registered with the Police Station, Shindkheda, district Dhule for the offences punishable under Sections 498-A, 406, 506, 504 and 34 of the Indian Penal Code (for short "IPC").

2. Informant-respondent No.2 averred in the report that she got married with Mukesh Salunke on 11.05.2018. The atmosphere in the house was good for few months. Thereafter applicant No.1 - mother-in-law of the informant started to harass her by alleging that dowry was not sufficiently paid with compared to her earlier daughter-in-law. When informant told that fact to applicant no.1, father-in-law of the informant he enraged upon her. When she told that fact to her brother-in-law, who is serving in the police department, and his wife also abused her. Once, all the applicants and her husband advised her to deposit all the gold ornaments in the bank's locker. She handed over her 15 grams Gold beads chain, 2 grams gold ring, 4 grams ear ornaments to her husband who was serving in the bank. They used to give those ornaments to her at the time of Dhantrayodashi / Diwali Festival. Thereafter, informant was frequently harassed. She told

those facts of harassment to her father. Thereafter also they demanded some amount for paying / disbursing the loan amount which they had obtained. Thereafter, the informant's brother, namely Prashant Behere came there. He tried to convince them and said that he will pay some amount for it. Thereafter, the brother-in-law of the informant threatened her. Informant called her brother and went to her parental house. On next day, her brother again went to Marwad and demanded gold ornaments of the informant to the applicants. They said that they have sold those gold ornaments, you can do what you want. Thereafter, some respectable persons were called. But no response was given to the informant. She made complaint to the Bharosa Cell at Dhule on 25.01.2023. Nobody turned for compromise on 17.02.2023. Thereafter, the report was lodged.

3. Learned Advocate for the applicants submitted that there is no evidence of cruelty against the applicants. Applicants are falsely implicated in the crime. No specific incident is pointed out though the names of the applicants are mentioned in the report. It is lastly prayed to quash the report.

4. Learned A.P.P. for the State strongly opposed the application and submitted that names of the applicants are mentioned in the

report. There are statements of the witnesses. He submitted to reject the application.

5. Learned Advocate Mr. N. B. Patekar for respondent No.2, strongly opposed the application and submitted that applicants' specific role of harassing the informant is stated in the report. Her gold ornaments are sold illegally by the applicants. She has been harassed for not paying sufficient dowry in the marriage. Considering the allegations made in the report it is lastly prayed to reject the application.

6. On perusal of report, it reveals that though there are allegations that applicant No.2-mother-in-law of the informant said that dowry was not paid sufficiently, however, no specific incident is stated in the report as to exactly when the dowry was demanded. All the allegations of ill treatment are vague in nature and no specific incident is stated. Though, as averred in the FIR, some amount for the treatment of the son of the informant was paid by her brother, there are no such allegations for that she was treated with the cruelty. The allegations in the report are not constituting the essential ingredients of the offences punishable under Sections 498-A, 406, 506, 504 and 34 of the IPC against the applicants. If the applicants are compelled to

face the trial for the said offences it would be certainly an abuse of process of Court.

7. We are therefore inclined to allow the application by passing an order of quashment of the report. Hence, the following order :

O R D E R

- i. Application allowed.
- ii. FIR No. 181 of 2023 registered with the Police Station, Shindkheda, district Dhule for the offences punishable under Sections 498-A, 406, 506, 504 and 34 of the Indian Penal Code (for short “IPC”) is quashed as against all the applicants.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

A.G.N