



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

79 CRIMINAL APPLICATION NO.53 OF 2025

1 Ajay Rajendra Khare,
 Age 29 yrs., Occ. Private Service,
 R/o 1-B-201, Sai Savali CHS,
 Plot No.22 SEC-19, Kharghar,
 Tq. Navi Mumbai, Dist. Raigad 410 210.

2 Mrs. Shobha w/o Rajendra Khare,
 Age 53 yrs., Occ. Housewife,

3 Rajendra Madhavrao Khare,
 Age 62 yhrs., Occ. Retired,

Applicant Nos.1 and 2 are
r/o Plot No.65, Ganesh Nagar,
Besides Sagale Lawns, Manmad,
Tq. Nandgaon, Dist. Nashik.

4 Mrs. Pratiksha w/o Pramod Pawar,
 Age 27 yrs., Occ. Advocate,

5 Pramod Maroti Pawar,
 Age 36 yrs., Occ. Private Service,

Applicant Nos.4 and 5 are
r/o 304, Akshar Society, Kalpataru Hospital,
Sector 21, Kharghar, Tq. Navi Mumbai,
Dist. Raigad.

6 Sumant Ramesh Khare,
 Age 32 yrs., Occ. Labour,
 R/o Kirti Nagar, Nandgaon Road,
 Manmad, Tq. Nandgaon,
 Dist. Nashik.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
Through Police Inspector,
Vimantal Police Station,
Nanded, Tq. & Dist. Nanded.
- 2 The State of Maharashtra
Through Police Inspector,
Police Station, Kharghar,
Tq. Navi Mumbai, Dist. Raigad.
- 3 Dr. Mrs. Sandhya w/o Ajay Khare,
Age 28 yrs., Occ. Medical Practitioner,
R/o C/o Ashokrao Kadam,
Shivneri Nagar, Near Sangavi Vimantal,
Nanded, Taroda (Bk),
Tq. & Dist. Nanded – 431 605.

... **Respondents**

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Mrs. Rashmi S. Kulkarni, Advocate for applicants

Mr. A.R. Kale, APP for respondent Nos.1 and 2

Mr. M.M. Parghane, Advocate for respondent No.3

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CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 10th JUNE, 2025

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

1 Present application has been filed for quashment of the

proceedings in Regular Criminal Case No.1306/2024 pending before learned Judicial Magistrate First Class, Nanded arising out of First Information Report vide Crime No.291/2024 dated 31.07.2024 registered with Vimantal Police Station, Nanded, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mrs. Rashmi S. Kulkarni for applicants, learned APP Mr. A.R. Kale for respondent Nos.1 and 2 and learned Advocate Mr. M.M. Parghane for respondent No.3.

3 Learned Advocate for applicants has taken us through the entire charge sheet including First Information Report and she submits that First Information Report would show that all the family members are unnecessarily dragged the marriage between applicant No.1 and respondent No.3 took place on 28.01.2024 and the alleged desertion or driving out her out of the house is stated to be on 28.03.2024, therefore, respondent No.3 is resided hardly for two months in the matrimonial house. But, she has intentionally suppressed the fact that she is a Medical Practitioner and she is employed as a Senior Executive Grade SL2, which is having its head office at Pune in Government Business Solutions Department as MD India Health Insurance TPA Private Limited. Job profile of respondent No.3 demands that

she has to carefully scrutinize all the insurance forms and documents appended to it and only after her approval the claims are sanctioned to the beneficiaries. She was required to attend the office in every 15 days. In fact, after the marriage as a customary return of a newly wed the respondent No.3 had gone to her parental home on 01.02.2024 and returned on 04.02.2024. Thereafter applicant No.1 and respondent No.3 proceeded for honeymoon to Manali on 12.02.2024 and returned on 17.02.2024. They had boarded a train from Bandra Terminus at Mumbai. The applicants have produced the copies of bookings, those were made of the train tickets and also of the hotel. It was through an agent. Thus, her stay with applicant No.1 was only for 40 days. Applicant No.4 is a practicing Advocate at Kharghar, Tq. Navi Mumbai, Dist. Raigad, applicant No.5 is her husband, who is in private service, applicant No.6 is cousin brother of applicant No.1, who resides at Manmad, applicant Nos.2 and 3 are parents-in-law and they reside at Manmad, Tq. Nandgaon, Dist. Nashik, whereas applicant No.1 was residing at Kharghar, which is a different place from the house of applicant Nos.4 and 5. Now, with some ulterior motive she has cooked up a story and, therefore, with such allegations it would be an abuse of law to ask the applicants to face the trial.

others vs. State of Uttar Pradesh and others [AIR 2023 SC 3784], wherein after considering the catena of Judgments it was held that -

“30. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the

initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

5 Learned Advocate for applicants further submits that charge sheet would show statements of parents of respondent No.3 and her brothers only, which are copy paste in nature. There was no attempt by Investigating Officer to visit the residence of applicant No.1 at Kharghar and make inquiry of the persons in the neighbourhood when she alleges that on 28.03.2024 she was assaulted. Further, informant states that she had gone Kharghar Police Station to lodge the report. Therefore, present applicant No.1 had made inquiry under the Right to Information Act, as to what had happened in Kharghar Police Station on 28.03.2024 in respect of respondent No.3. It is given in writing by concerned authority that though respondent No.3 had come to the Police Station, upon inquiry she made a statement that she would make a complaint after her father arrives at Kharghar. Then it is stated that on 29.03.2024 applicant No.1, respondent No.3 and her father had gone to Police Station and at that time respondent No.3 told police that she has no complaint to make. This information has been given on the basis of the Police Station record. Therefore, the First Information Report is filed

with vengeance and hence, First Information Report as well as charge sheet deserve to be quashed and set aside.

6 Per contra, learned APP as well as learned Advocate for respondent No.3 strongly opposed the application. They submit that evidence has been collected and charge sheet has been filed. Respondent No.3 had told about the treatment given to her to the parents and brother and that is natural. In fact, amount of Rs.25,00,000/- was spent on the marriage, still there was demand of Rs.20,00,000/- as dowry. Specific acts have been attributed to each one of the applicants and if we consider those allegations, those amount to cruelty as defined in the explanation (a) or (b) to Section 498-A of the Indian Penal Code. Duration of the stay may not then carry weightage if the harassment is of such a magnitude. This is not a fit case where the proceedings deserves to be quashed and set aside.

7 At the outset, we would like to start with observations that in matrimonial disputes suppression of facts carry importance. In fact, the marriage stands on the footing of faith, feelings and respect for each other. It appears from First Information Report and statements of witnesses that marriage between applicant No.1 and respondent No.3 was an arranged marriage. Though respondent No.3 states about what representation or

information in respect of applicant No.1 was given by other applicants at the time of settlement of marriage, she is silent about her own occupation as Medical Practitioner and in service or her even qualification. She has stated her occupation as household, that means, she has tried to project that she is not serving anywhere. Even in the statements of witnesses her occupation is silent/not disclosed. She has also not stated that after the marriage for how much time she was at Manmad i.e. the matrimonial home, where the parents-in-law are residing. She has also not stated as to when the husband took her to Kharghar, but only states that after some days she was taken to Mumbai by husband. There are documents on record produced by applicant No.1 showing that applicant No.1 and respondent No.3 had gone to Manali. Though in ordinary circumstances, this Court would not have considered the documents produced by applicants, but the documents which are on record are the Government documents i.e. the railway tickets, which are electronically taken through IRCTC website. It shows that the booking was done in the name of applicant No.1 and respondent No.3's name has been given as 'Sandhya Kadam' i.e. in her maiden name. At the time of submissions learned Advocate representing respondent No.3 has not taken any objection in respect of these documents. Thus, from 28.01.2024 to 28.03.2024 i.e. the cohabitation we will have to deduct the days during which applicant No.1 and respondent No.3 had gone to Manali, and it

appears that for that purpose she states that after she was taken by applicant No.1 to Mumbai, he had treated her properly for about 2-4 days. That means, she is including the said period of Manali in this. A fact that surprises is that it is stated that within two days only the mother-in-law started demanding amount of Rs.20,00,000/- as dowry. She states that she was abused, pinching words were given, she was asked to do the work in the house and was kept starving. It is hard to believe then that she states that within those two days even the sister-in-law started saying that the informant should be killed by pressing pillow on her face and applicant No.1's second marriage should be performed. The applicants are well educated persons and, therefore, it is hard to believe that within two days the relationship would go so bitter. In the entire First Information Report no specific role is attributed to the father-in-law – applicant No.3, husband of sister-in-law – applicant No.5 and applicant No.6. Interesting point to be noted is that as per First Information Report, the informant has tried to paint a picture that for 40 days she and her husband stayed at Manmad after the marriage. (लग्न झाल्यानंतर मी, माझ्या नव-याच्या प्रथम घर मनमाड येथे गेले आणि तिथे जवळपास 40 दिवस राहिलोत, पण या दरम्यान तिथे माझे पती, सासू, सासरा, दिर, नणंद सर्वजण मनमाड येथे एकत्रित राहत होतो आणि जवळच नणंद यांचे घर आहे ती सुद्धा दिवसभर माहेरीच राहत असे.)

Thereby she wanted to say that even applicant Nos.4 and 5 are residents of Manmad and their house is nearby to the matrimonial home. The charge

sheet would show that applicant No.4 and 5's residence is shown at Kharghar, Sector 21, Navi Mumbai. The occupation of applicant No.5 is private job, so also that of applicant No.1, therefore, it is hard to believe that for 40 days by leaving their job or not attending, they would have resided at Manmad. The suppression, therefore, by the informant is glaring and can be said to be with a *mala fide* intention. At the cost of repetition, then we are again saying that respondent No.3 has suppressed her occupation. Copy regarding offer letter dated 13.12.2021 by M.D. India Health Insurance Company and the remuneration details are produced on record. In the information that was collected by applicant No.1 from the Right to Information Officer, Kharghar Police Station would show that the informant has been addressed as Dr. Sou. Sandhya Ashok Kadam (not as 'Sandhya Ajay Khare'). If she had gone to Police Station and according to her, First Information Report was not taken, then why she had not lodged the report after she went to Nanded i.e. to her parental home, has not been explained by her. It is easy to make allegations against others, but when it comes to false allegations, they are hard to prove. This is the classic example of misuse of Section 498-A of the Indian Penal Code.

8 Taking into consideration the material in the charge sheet, we are also surprised to note the copy paste statements of parents and brother of

informant. The investigation has been done by Mr. M.M. Lone, Police Head Constable, B.No.2146 attached to Vimantal Police Station, Nanded. When the alleged acts of cruelty had taken place at Kharghar, Mumbai or Manmad, Nashik, he has not taken efforts to visit the place and make inquiry with the neighbouring persons. Very interestingly he has drawn a panchnama of spot on 01.04.2024 with the help of two persons from Nanded of the place/house of father of respondent No.3. This shows that nowadays even the police are not taking proper precautions and making appropriate investigation when it comes to offence under Section 498-A of the Indian Penal Code. This offence is now taken in a casual manner by the police under the presumption with which they are dealing many times with the First Information Reports and this is one of such an example of misuse. Thus, these police officers are proceeding with the investigation with some presumptions or with prejudicial mind. This attitude is dangerous because genuine cases would suffer due to such apathy.

9 For the aforesaid reasons, we found this to be a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- i) Criminal Application stands allowed.
- ii) The proceedings in Regular Criminal Case No.1306/2024 pending before learned Judicial Magistrate First Class, Nanded arising out of First Information Report vide Crime No.291/2024 dated 31.07.2024 registered with Vimantal Police Station, Nanded, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, stands quashed and set aside as against applicants viz. 1) **Ajay Rajendra Khare**, 2) **Mrs. Shobha w/o Rajendra Khare**, 3) **Rajendra Madhavrao Khare**, 4) **Mrs. Pratiksha w/o Pramod Pawar**, 5) **Pramod Maroti Pawar** and 6) **Sumant Ramesh Khare**.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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