



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

7 CRIMINAL APPLICATION NO. 475 OF 2025

ANITA W/O SANJAY BHAYEKAR AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. Sunil V. Kurundkar.

APP for Respondent / State : Mr. A. M. Phule.

...

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

DATE : 13th February, 2025.

P.C.:

. Heard the learned counsel for applicants and the learned APP for respondent No.1 / State.

2 The refusal of the FIR would show that the relationship is not denied. Applicant No.1 is the mother-in-law; Applicant No.2 is the father-in-law; Applicant No.3 is the sister-in-law; and Applicant No.4 is the brother-in-law of respondent No.2. Respondent No.2 got married with one Rohit Bhayekar on 29th November 2023. Since the husband is not before us, we would avoid to state about the allegations made against him. As against the present applicants are concerned, the FIR alleges the offence punishable under Section 498-A, 504 and 506 read with 34 of the IPC and as against Applicant No.2, in addition, Section 354 of the IPC. The informant says that she as well as her husband had gone to Thailand on 4th December 2023 and returned around 13th

December 2023. She then disclosed to Applicant Nos.1 and 2, parents-in-law, about the abnormal behaviour of her husband. But instead of supporting her, they had taken the side of their son and also gave threat that she will have to adjust herself otherwise she would be sent to her parents' home. The informant then says that though a maid is engaged and a man has also been engaged for household work, yet she was asked to clean WC and bathroom twice in a day and she was also abused on account of the same. By stating that they are wealthy persons and the informant is from a middle class family, she was ridiculed and threat was given that she would be killed by throttling. Applicant Nos.1 and 3 used to ridicule her by saying that sufficient dowry was not given and they were expecting at least 20-25 lakhs as dowry. Twice applicant No.1 had thrown hot food on her person as a result of which she had sustained the burn injury. As against applicant No.2, she states that he used to stare at her and used to ask some such questions, which she found to be obscene or weird. She then makes allegations against her husband and quotes also the incident dated 9th February, 2024 and states that on 10th February, 2024, she was left at her parents' home. She then states that on 29th September, 2024, the applicants along with 10-12 persons entered the house of her father and threatened and abused her.

3 Thus, it is to be noted that specific role has been attributed to

applicant Nos.1 and 2 and therefore, there is no case of exercise of power under Section 482 of the Cr.P.C. in their favour. Though the learned counsel for the applicants insisted that the ingredients of Section 354 of the IPC are not attracted against applicant No.2, we are of the opinion that we are at the very preliminary stage. Further, when the offence punishable under Section 498-A of the IPC is made out against applicant No.2, only for Section 354 of the IPC, we need not exercise our powers. The applicants would be at liberty to point out to the learned Magistrate at the time of framing of charge as to under which Sections that can be framed or in other words, which offences are not made out against the accused persons. Hence, the application stands rejected as against applicants Nos.1 and 2.

4 Applicants Nos.3 and 4 are not residents of Nanded, but it appears that in connection with the job of applicant No.4, they both are residing at Pune. Under such circumstances, case is made out for considering the prayer in respect of them.

5 Therefore, issue notice to the respondents. The learned APP waives notice for respondent No.1. Notice of respondent No.2 is made returnable on 17th March, 2025.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]