

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 87 OF 2024

Girish Haribhau Shilavne & Ors. ... Applicants

versus

State of Maharashtra & Anr. ... Respondents

...

Mr.Vikas Kolekar with Ms.Komal Shirgire and Mr.Rohit Kamble
for the Applicants.

Ms.P.N.Dabholkar, APP for Respondent No.1, State.

Ms.Swati C. Raul for Respondent No.2, appointed through Legal
Aid Service.

...

CORAM : RAVINDRA V. GHUGE

&

RAJESH S. PATIL, JJ.

DATE : 16th JANUARY, 2025

P.C. :-

1. We have heard the submissions of the learned
Advocates for the Applicants and Respondent No.2. The learned
APP has assisted us.

2. We have perused the charge-sheet and the documents
before us.

3. The Complainant is the wife of Petitioner No.1.
Petitioner Nos. 2 and 3 are her parents-in-law. Petitioner No.4 is a

married sister-in-law, who was married much prior to the marriage of Petitioner No.1 and the Complainant.

4. It is undisputed that the marriage between these two is the third marriage for the husband and the second marriage for the Complainant.

5. We have perused the First Information Report (FIR) wherein the Complainant has made a serious grievance, repeatedly, as against the husband and the parents-in-law in relation to demands for dowry. According to the Complainant, these three have made life difficult and painful for her. The husband used to physically assault the Complainant. He and the parents-in-law were consistently demanding dowry, a car and further demanded that the immovable properties standing in the name of the mother of the Complainant, be transferred in the name of her mother-in-law. It is stated in the FIR that she was patient with these atrocious acts for quite some time and finally when the situation became unbearable, she has approached the Police Station and had lodged the FIR.

6. Considering the law laid down by the Hon'ble Supreme

Court in *Naresh Aneja alias Naresh Kumar Aneja Versus State of Uttar Pradesh and Another*¹; *Central Bureau of Investigation v. Aryan Singh etc.*²; and *State of Odisha Versus Pratima Mohanty and Others*³, the legal position is settled that it is not for this Court to consider the probative value of evidence and hold a mini trial while considering an Application under Section 482 of the Code of Criminal Procedure, 1973. If the FIR makes out an offence against these three Petitioners, the Court should not be indulgent.

7. As such, **this Criminal Application is dismissed as against Petitioner Nos. 1, 2 and 3.**

8. Insofar as Petitioner No.4 is concerned, she was married years ago and resides in her marital home at Pune. Petitioner Nos. 1 to 3 reside at Khopoli Bazar Peth, Taluka Khalapur, District Raigad. In the FIR, though attributes are made towards Petitioner No.4, it is stated therein by the Complainant that she does not even know the full name of the sister-in-law. This indicates that there must have hardly been any contact between the sister-in-law and the Complainant.

1 2025 SCC OnLine SC 3

2 AIR 2023 SC 1987

3 (2022) 16 SCC 703

9. Having perused the FIR, we do not find that the contents of the FIR would make out an offence against the sister-in-law.

10. In view of these circumstances, **this Criminal Application is partly allowed** only in relation to Petitioner No.4 in terms of prayer clause (a) which reads as under :

“(a) This Hon’ble Court be pleased to quash and set aside the F.I.R. and chargesheet bearing C.R. No. 257 of 2023 u/sec. 498-A, 323, 504, 506 r/w. 34 of Indian Penal Code, registered at Gokul-Shirgaon Police Station, Kolhapur at the instance of Respondent No.2/ First Informant qua the Applicants in RCC Nos. 534/2024 pending on file of learned Judicial Magistrate First Class, (9th) Court Kolhapur”.

11. The learned Advocate for the Petitioners prays that the ad-interim order granted on 26th August, 2024, may be continued for eight weeks. Having concluded that the contents of the FIR and the record available, would make out a case against these 3 Petitioners, and in light of the above referred judgments, the said request is rejected.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)