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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO.950 OF 2024**

Suman Shashi Prakash Singh & Ors. .. Petitioners

Versus

State of Maharashtra & Anr. .. Respondents

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Ms.Meenaz Mozawala with Mr.Sameer Merchant for the
Petitioners.

Mrs.S.D.Shinde, Addl.P.P. for the State/Respondent No.1.

Mr.Shriniwas C. Singh i/b Richav Singh for the Respondent
No.2.

**CORAM: BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATE : 24th NOVEMBER, 2025

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P.C:-

1. In the wake of the charge-sheet being placed on record, the Petitioner was already granted to include prayer clause praying for quashing and setting aside the charge-sheet by order dated 07/07/2025. Since the charge-sheet is already on record, let the prayer be amended seeking quashing of charge-sheet forthwith.

Re-verification is dispensed with.

2. With able assistance of the counsel for the Petitioners and the learned counsel for the Respondent No.2 as well the learned Additional Public Prosecutor for the State, we have perused the charge-sheet.

The Petitioners are arraigned as accused in F.I.R.No.173 of 2019 registered on 16/04/2019 with Dindoshi Police Station at the instance of Respondent No.2, which invoked Sections 406, 498A, 504, 506 read with Section 34 of the Indian Penal Code (for short, "**IPC**").

The Petitioners before us are the mother-in-law, brother-in-law and his wife as well as the grand father-in-law and the grand mother-in-law (paternal).

The learned counsel for the Petitioners, on going through the material compiled in the charge-sheet, has urged before us that the marriage between Respondent No.2 and son of Petitioner No.1 was solemnized on 14/12/2024 and it was alleged by the Complainant that at the time of marriage, there was a demand of Rs.2,50,000/-, with a threat that if the demand is not satisfied then the marriage will be never performed and under pressure, her father parted a sum of Rs.2,50,000/- with the grandfather of Vishal-her husband. Similarly, she also gave the details of the other things that were gifted, which included Bajaj company Pulser motorcycle, fifteen tolas of gold jewellery as well as other household items.

As per the complaint, which is lodged on 16/04/2019, when her relationship with her husband-Vishal turned sour and when he telephoned her father on 06/01/2019 and informed that he want to divorce his daughter, as she was suffering from some disease and it was not possible for him to cohabit with her, the complaint came to be lodged.

3. On reading of the complaint in its entirety, it is evident to us that when the demand was made at the time of marriage

with the threat that if the demand is not satisfied, the marriage would not take place, the demand was satisfied. Further, by way of gift, certain things were gifted to her and even to her husband, but it is not the case of the Complainant that these things were specifically demanded. Then she made general accusation about her in-laws as well as Petitioner No.3, that they complained to her that a sofa set was not gifted and even her family ought to have gifted one gold ring to each one of them and on that ground, they used to take jibe at her, but she ignored the same.

It is alleged in the complaint that when they were invited for a function, her brother-in-law refused to attend the same, since the dowry demand raised by them was not met. But, despite this, she kept silent on the pretext that the situation will improve.

Some other incidents are also set out in the complaint, but definitely on its reading, it does not lead to harassment of the nature, which is contemplated by Explanation appended to Section 498-A of IPC. From the year 2015 onwards, all the accusations levelled by her are against her husband and it appears that the relationship between them did not progress well, as she made the accusations which are personal in nature and purely out of the relationship between them as a couple.

4. On reading of the complaint, which has now resulted into filing of the charge-sheet, in our considered opinion, the accusations levelled by the Complainant and the material collected and compiled in the charge-sheet, is short of making out an offence under Section 498-A of IPC, which definitely

warrant cruelty of such nature to drive a woman to commit suicide, or to cause grave injury, or endanger her life, limb or health or harassment of a woman with a view to coerce her or any person related to her to meet any unlawful demand for any property or valuable security.

Since we find that merely taking gibes on the ground that her family did not gift them sufficiently, definitely would not amount to such willful conduct or harassment, as contemplated by the Explanation appended to Section 498-A, which punishes an act of subjecting a woman to cruelty by her husband or the relatives of the husband. Since the ingredients of the aforesaid offences are not made out against the present Petitioners under Section 498-A as well as under Section 406 of IPC, which provides punishment for criminal breach of trust in the nature of vague allegations that certain jewellery was retained by the mother-in-law, the interest of justice would meet if the persons against whom the ingredients of offence are not made out in the charge-sheet shall not be subjected to further harassment by making them to undergo rigmarole of the trial. Admittedly, it is to be seen that Petition Nos.4 and 5 are octogenarians and they would face lot of harassment, if at this stage, they are made to undergo trial, in absence of any material against them to make out the offence, with which they are charged.

Pertinent to note that the husband is not the Petitioner before us and while we quash the FIR against the Petitioners, it is made clear that the prosecution against the husband-Vishal who is also charge-sheeted, shall continue. Hence, the following order.

: ORDER :

The Writ Petition is made absolute in terms of prayer clause (a), by quashing the F.I.R. No.173 of 2019 dated: 16.4.2019 registered with Dindoshi Police Station, Charged U/s. 406, 498-A, 504, 506 r/w. 34 of the Indian Penal Code and the consequent chargesheet, qua the Petitioners.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)