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

CRIMINAL WRIT PETITION NO. 5517 OF 2024

Prasanna Dinesh Dagadkar and anr.
V/s.

.... Petitioners

The State of Maharashtra and Ors.

.... Respondents

Mr. Mohit Salvi for the Petitioners.

Mr. Tanveer Khan, APP for the Respondent No.1 – State.

Mr. Animesh P. Birole for Respondent No.2.

Mr. Pritesh Patil, PSI, Kulgaon Police Station, Gramin, present.

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

DATED : 19th NOVEMBER, 2025

P.C. :-

1) Heard learned Counsel for the Petitioners and the learned Counsel representing the Complainant.

2) With their able assistance, we have perused the charge-sheet filed in the subject FIR registered by the Complainant – wife thereby invoking Sections 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code.

The complaint arraigned three persons as accused which included the husband, father-in-law and the mother-in-law. However, since the mother-in-law has already demised, the Petition is being prosecuted by the other two accused. The relief in the Petition is quashing of the charge-sheet on the ground that the ingredients of the relevant Sections which have been invoked, are not made out.

3) When we have carefully perused the material compiled in the charge-sheet which include a detailed statement of the Complainant where she categorically stated that her marriage with the Petitioner No.1 was solemnized in the year 2016 and immediately thereafter i.e., the third day of marriage, an amount was demanded from her and she was threatened that if the money is not paid, he will not be attending the rituals and therefore, she transferred the money. Thereafter, time and again the money was demanded by the husband and on the demand not being satisfied, she was subjected to physical and mental cruelty.

Specific allegations from the year 2016 to 2018 are narrated in the complaint as regards the demand. In the year 2018 also, she categorically state that the demand for money continued and she was subjected to physical abuse when she used to take shelter in the neighbourhood and all the persons in the neighbourhood were aware that she was subjected to harassment. She has also narrated the incident of 2019, when a demand of Rs.25,00,000/- was raised for purchase of a plot and she has also specifically stated the consequences of not paying the amount when she was subjected again to harassment.

4) The learned Counsel for the Petitioners has attempted to rely upon a bank statement of the Petitioner No.1 in order to establish that from time and again, he was transferring the amount in respect of the complainant.

However, we must only note that transferring some petty amount of Rs.20,000/- or so on each account, cannot be a proof of the fact that no amount was ever demanded from her father and she was not subjected to harassment on not satisfying the demand. Ultimately, this will have to be appreciated at the time when the allegation was made and therefore, we are not inclined to interfere at this stage as we find that the accusations levelled against the Petitioner No.1 will definitely warrant a trial.

5) However, as far as the Petitioner No.2 – the father in law is concerned, except a bare statement in her complaint, that whenever her in-laws used to visit at Badlapur and she complained about the behaviour of her husband, they failed to take any cognizance, we do not find any specific role attributed to him, which would warrant invocation of offence under Section 498-A against the father-in-law.

6) In the wake of the above, since we are not inclined to show any indulgence as far as the proceedings against the Petitioner No.1-husband are concerned in form of R.C.C.No.1295 of 2023. However, we quash and set-aside the proceedings against the Petitioner No.2 – the father-in-law, as we find that there are no allegations levelled against him which would justify sending him for trial on the accusation of Sections 498-A, 406, 323, 504, 506 read with 34 of the Indian Penal Code.

7) As a result, the Petition is partly allowed. The proceedings

against Petitioner No.2 in R.C.C.No.1295/2023 are quashed and set-aside but with a specific direction that the Petitioner No.1-husband shall undergo the trial in the aforesaid case.

8) Writ Petition stands disposed of.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)