

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

CRIMINAL APPLICATION NO. 1052 OF 2024

1. Sushil Ekanath Chaudhari

2. Ganesh Tukaram Chaudhari

Versus

.....Applicants

1. State of Maharashtra

2. Mrunal Mayur Chaudhari

.....Respondents

Mr. Veerdhaval Kakade - Advocate for the Applicants.

Ms. Anuja S. Gotad - APP for the Respondent No. 1-State.

Ms. Aishwarya P. Sharma (appointed Adv.) for Respondent No.

2.

PSI Ajit Kakade – Ravet Police Station

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 29th JANUARY 2025

P.C. :

1. This is an application for quashing of the F.I.R. registered vide C.R. No. 267 of 2024 dated 13/06/2024 at Ravet Police Station under Sections 323, 498-A and 504 of the Indian Penal Code and the consequent proceedings arising out of the said

offence vide R.C.C. No. 682 of 2024 pending before learned JMFC, Vadgaon Mawal, Pune as against the Applicants.

2. Heard learned Counsel for the Applicants, learned Counsel for the Respondents and learned APP for the Respondent-State.

3. The Applicant No. 1 is the brother and Applicant No. 2 is cousin of Respondent No. 2's husband. The F.I.R. is lodged by Respondent No. 2. She has stated that she was earlier married to her first husband in the year 2016. She had two year old daughter. In the year 2018, she had obtained divorce. She had entered her name in a matrimonial site. She came in touch with one Mayur Eknath Chaudhari. She gave complete information to him about her earlier marriage. In spite of that, Mayur told her that he wanted to marry her and he would not tell this fact to his family. After that both the families met each other and the Respondent No. 2 got married with Mayur Chaudhari on 07th January 2021 at Faizpur. Her family spent for the shreedhan and other expenses. After the marriage, she resided with her in-laws at Faizpur and since January 2021, she started residing with her

husband at Wakad, Pune. The F.I.R. thereafter mentioned the instances wherein Mayur and his mother harassed her. In the meantime, the Respondent No. 2 got pregnant and delivered a child. In February 2022, Mayur's father was not well. Therefore, the Applicant No. 2 brought him to Pune. There is one instance mentioned which had taken place on 08.03.2022. There was some quarrel between the Respondent No. 2 and Mayur's father. At that time, allegedly the Applicant No. 1 told her that at that point nothing was more important than his father and he abused her. That was the main allegation against the Applicant No. 1. The other allegation against both the Applicants is that since Mayur was harassing her, the Respondent No. 2 telephonically called both the Applicants and complained about Mayur's behaviour. At that time, they did not support her and instead abused her. There are other allegations against Mayur and his mother. On this basis, the F.I.R. is lodged. In the charge-sheet, there is statement of the Respondent No. 2's mother. Besides that, there is nothing against the Applicants.

4. Learned Counsel for the Applicants submitted that the allegations in the F.I.R. as well as in the statement of the Respondent No. 2's mother even if taken at their highest do not make out any case under Section 498-A or any other offences. Both the Applicants are arraigned as accused only to harass them as they are near relatives of the Respondent No. 2's husband.

5. Learned Counsel appearing for the Respondent No. 2 as well as learned APP submitted that the Applicants did not support the Respondent No. 2 even when she had delivered a child. All these amounts to cruelty. We have considered these submissions. We are unable to agree with the submissions of learned Counsel for the Respondent No. 2 and the learned APP that the allegations against the Applicants would attract provisions of the Section 498-A and other offences mentioned in the charge-sheet. There are only vague and general allegations against both of them. The main allegations are against the Respondent No. 2's husband and his mother. On one occasion, when the Applicant No.1's father was admitted to the hospital,

naturally, he would be concerned for his health. Therefore, if he had mentioned that fact before the Respondent No. 2, it would not amount to cruelty. Even otherwise, the dispute was between the husband and the wife. Both the Applicants had no role to play in their dispute.

6. In view of that no offence is made out against either of the Applicants and therefore, continuation of the proceedings would be abuse of the process of law. It is quite clear, both of them are arraigned as accused because they are near relatives of the Respondent No. 2's husband.

7. Hence, following order is passed :-

ORDER

- (i) The Criminal Application is allowed.
- (ii) The F.I.R. registered vide C.R. No. 267 of 2024 registered with the Ravet Police Station under Sections 323, 498-A and 504 of the Indian Penal Code and consequent proceedings pending before the

learned JMFC, Vadgaon Mawal, Pune vide RCC No.

682 of 2024 are quashed and set aside qua for present

Applicants only.

8. Accordingly, Criminal Application is disposed of.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)