



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION NO.1300 OF 2024

1. Sau. Rupali w/o Pravin Gavhale, aged about 28 years, occ. Household work, c/o Father Shri Ramesh s/o Rajeram Khandare, r/o at Gaurkheda (Kumbhi), Tq. Achalpur, Dist. Amravati.
2. Sau. Vandana w/o Ramesh Khandare, aged about 53 years, Occ. Household work, r/o at Gaurkheda (Kumbhi), Tq. Achalpur, Dist. Amravati.
3. Shri Ramesh s/o Rajeramji Khandare, aged about 55 yers, Occ. Agriculturist, r/o at Gaurkheda (Kumbhi), Tq. Achalpur, Dist. Amravati.
4. Sau. Sonali w/o Abhay Rajguru, aged abou 32 years, Occ. Housewife
5. Shri Abhay s/o Narhari Rajguru, aged about 38 years, Occ. Service, applicant nos.3 and 4 r/o near Gayatri Mandir, Ram Nagar, Lahan Umari, Akola, Tq. And Dist. Akola.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Police Station, Mangrulpir, Tq. Mangrulpir, Dist. Washim.

2. Sau. Anita w/o Ramesh Sawale, aged about 49 years, Occ. Housewife, r/o Milind Nagar, Jamb Road, Mangrulpir, Tq. Mangrulpir, Dist. Washim.

... NON-APPLICANT(S).

Shri K. Deogade, Advocate for the applicants.
Shri U.r. Phasate, Additional Public Prosecutor for the non-applicant/State.
Shri D.N. Mudgale, Advocate for non-applicant no.2.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.

DATE : 11.06.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

RULE. Rule made returnable forthwith.

2. The applicants, who are charge-sheeted for the offence punishable under Sections 498A, 323, 506 read with Section 34 of the Indian Penal Code arising out of Crime No.124 of 2024 registered with the Mangrulpir Police Station, District Washim, seeks quashment of criminal proceedings registered against them.

3. It is alleged by the complainant that after her marriage with accused no.1 Ramesh Sawale, applicant no.1 who is the sister-in-law of the complainant, applicant nos.2 and 3 who are the mother and father

of applicant no.1 respectively, applicant no.4 who is the sister of applicant no.1 and applicant no.5 who is the husband of applicant no.4 were used to visit her house and instigate her husband against her to make a demand of dowry of Rs.1,50,000/- and abuse her in filthy language. As such, on these allegations, the abovesaid offence came to be registered against them.

4. It is the submission of the applicants that considering the allegations in the complaint no offence is made out against them, even if all the allegations are taken at their face value it would not disclose commission of any offence, and therefore, prayed to quash and set aside the criminal proceedings registered against them.

5. In response to the notice issued to non-applicant no.2, she appeared in the matter and resisted it strongly by reiterating the facts, stated in her complaint.

6. Learned Additional Public Prosecutor appearing for the State submits that after the registration of the offence, detailed inquiry has been conducted by the Investigating Officer and statement of independent witnesses have been recorded. On the basis of material collected during the investigation, charge-sheet has been filed in the

matter on 08.06.2024. Accordingly, learned Addl.PP for the State and non-applicant no.2 prays for rejection of the application.

7. We have heard the rival submission of the parties and perused the record.

8. It is clear from the record that present applicants are the relatives of the husband of non-applicant no.2. All the allegations levelled against the applicants nowhere demonstrate the time, date, place or manner in which the alleged harassment occurred. As such, in absence of any concrete and precise allegation, no offence is made out against the present applicants.

9. The present applicant nos. 2 to 5 are the family members of the sister of the husband of the complainant, residing at different places and no specific role is attributed to them in commission of alleged offence. Hence they cannot be allowed to dragg into the criminal prosecution otherwise it would be an abuse of the process of law.

10. As per the law laid down by the Hon'ble Supreme Court, it is time and again clarified that in family matters, a mere reference to the family members in a criminal case arising out of matrimonial dispute, without specific allegations indicating their active involvement

should be deprecated. As such, on generalized and sweeping accusation unsupported by concrete evidence, the applicants cannot be prosecuted in the matter.

11. In view of the above said legal position and aforesaid reasons, we are of the considered opinion that as no specific allegations are made in the complaint, therefore, no offence constitutes. Hence, we proceed to pass the following order :

- (a) The Criminal Application is allowed.
- (b) The Criminal Proceedings bearing R.C.C. No. 98/2024 pending before the 2nd Joint Judicial Magistrate First Class, Mangrulpir arising out First Information Report No.124 of 2024 registered with the Mangrulpir Police Station, District Washim for the offence punishable under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code, is hereby quash and set aside.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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