



Judgment

apl1486.22

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION [APL] No. 1486 OF 2022.

1.Bipin s/o Mahadeorao Sawarkar,
Aged about 71 years, Occupation – Retired,

2.Asha w/o Bipin Sawarkar,
Aged about 61 years, Occupation -Household,

Both residents of Plot No.3, Sr.No.58,
Near Siddheshwar Nagar, Jail Road,
Dasak Shiwar, Tq. District Nashik.

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APPLICANTS.

VERSUS

1.State of Maharashtra,
through Police Station Officer,
Police Station, Frezarpura, Amravati,
Tq. and District Amravati.

2.Rupali w/o Suyog Sawarkar,
Aged about 34 years, Occupation –
Household, resident of Ravindra
Chandarbhaji Borkar (Father), Lane No.6,
Kalyan Nagar, Tq. And District
Amravati.

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NON-APPLICANTS.

Mr. Y.P. Bhelande, Advocate for Applicants.
Mr. G. Umale, A.P.P. for Non-applicant No.1/State.
Mr. P.V. Navlani, Advocate for Non-applicant No.2.

Rgd.

**CORAM : NITIN B. SURYAWANSHI AND
PRAVIN S. PATIL, JJ.**

DATE : FEBRUARY 20, 2025.

ORAL JUDGMENT (Per N.B. Suryawanshi, J.) :

Rule. Rule is made returnable forthwith. By consent of learned Counsel present for the parties, matter is taken up for final disposal.

2. This application filed under Section 482 of the Criminal Procedure Code seeks quashing of Charge-sheet No.196/2024 and Regular Criminal Case No.1336/2024 pending before learned 9th Joint Judicial Magistrate First Class, Amravati for offence under Sections 498-A, 323 read with Section 34 of the Indian Penal Code.

3. Non-applicant no.2 lodged a written report on 23.02.2022, in short alleging that her marriage with son of applicants namely - Suyog Bipin Sawarkar was solemnized on 08.01.2021. After marriage, for three days she stayed with applicants and thereafter, she

Rgd.

shifted to Amravati with her husband. Her husband and applicants always used to ill-treat her. She was not permitted to talk to her parents also. She was appointed as a Teacher at Nagpur on 22.11.2021. She was made to attend the school by daily going to Nagpur from Amravati. She was forced to resign from the said job by her husband and she was beaten for that purpose. She also alleges that due to beating by her husband, her tooth was broken.

4. First information report is lodged on 21.08.2022 giving reference of beating at the hands of applicants and husband on 27.11.2021. In supplementary statement recorded on 02.10.2022 she has also alleged that she was ill-treated on account of payment of less dowry.

5. Heard learned Counsel for Applicants, learned A.P.P. for Non-applicant No.1 and learned Counsel for Non-applicant No.2. Perused documents placed on record, including charge-sheet.

6. From bare reading of the first information report it is clear that after marriage non-applicant no.2 stayed with the applicants only

Rgd.

for a period of three days and thereafter, she shifted to stay along with her husband. Totally vague and general allegations are leveled against applicants about giving ill-treatment to non-applicant no.2. No specific instance about ill-treatment to non-applicant no.2 is quoted in the first information report. It is therefore, clear that only with a view to pressurize her husband, non-applicant no.2 has impleaded applicants in the present crime.

7. In view of vague and general allegations leveled against the applicants, there is nothing on record to connect them with the alleged crime. No ingredients of Section 498-A of the Indian Penal Code are made out against the applicant. The case of applicants is squarely covered by the ratio in case of **Preeti Gupta and another .vrs. State of Jharkhand and another (2010) 7 SCC 667** and **Neelu Chopra and another .vrs. Bharti (2009) 10 SCC 184**. Hence, Criminal Application is allowed.

Charge-sheet No.196/2024 and Regular Criminal Case No.1336/2024 pending before learned 9th Joint Judicial Magistrate

Rgd.

First Class, Amravati registered on the basis of Crime No.533/2022 with Frezarpura Police Station, Amravati for offence under Sections 498-A, 323 read with Section 34 of the Indian Penal Code is hereby quashed and set aside as against applicants (1)Bipin Mahadeorao Sawarkar and (2) Asha w/o Bipin Sawarkar, are concerned.

8. Rule is made absolute accordingly.

JUDGE

JUDGE