



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

CRIMINAL APPLICATION NO.83 OF 2023

1. Mandabai w/o Dayaram Pawar, aged about : 55 years, Occu : Housewife
2. Dayaram s/o Govindrao Pawar, aged about 59 years, Occu : Retired.
3. Amol s/o Dayaram Pawar, aged about : 28 years, Occu : Student, All No.1-3, R/o Near School of Scholar, Ashwin Nagar, Hingana Road, Akola.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer, Police Station Frejarpura, District Amravati.
2. Rajashree w/o Ashish Pawar, Age – 24 years, occu : housewife, R/o C/o Ravindra Singh Devisingh Solanke, SRP Camp, New Residency, Building No.17, Chandur Railway Road, Vadali, Amravati, District Amravati

... NON-APPLICANTS.

Shri Bhavin Suchak, Advocate a/w Shri K.H. Anandani, advocate for the applicants.

Shri Badar, Addl.PP for the non-applicant/State.

Shri S.B. Gandhe, Advocate for the non-applicant no.2.

CORAM : NITIN B. SURYAWANSHI AND

PRAVIN S. PATIL, JJ.

DATE : 12.03.2025.

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

RULE. Rule made returnable forthwith.

2. This application filed under Section 482 of the Code of Criminal Procedure seeks quashing of First Information Report ('FIR') bearing Crime No.360 of 2022 registered with Frezarpura Police Station, Amravati City for the offences punishable under Section 498A read with Section 34 of the Indian Penal Code and the proceedings of R.C.C. No. 1758 of 2022 pending before the learned Judicial Magistrate First Class, Court No.7, Amravati.

3. The non-applicant no.2 lodged the FIR in question, in short alleging that her marriage with accused no.1 Aashish Pawar took place on 17.12.2020. Aashish told to non-applicant no.2 on the first night of marriage that he does not like her. After few days of marriage, applicants who are father-in-law, mother-in-law and brother-in-law used to taunt non-applicant no.2 saying that her father has paid less dowry and she should bring more money from her parents. On these counts, they used to physically and mentally harass her. After

conducting investigation, charge-sheet has been filed and the case is numbered as above.

4. Heard learned Counsel appearing for the applicant, learned Additional Public Prosecutor for the State and learned Counsel for non-applicant no.2.

5. It is a matter of record that after marriage non-applicant no.2 stayed with applicant and in-law only for initial period of 15 days and thereafter, she was driven out. According to applicants, she left the matrimonial house on the pretext that her mother is ill. In a divorce proceeding filed before the Family Court, Akola bearing Petition No.A-43/2022, she admitted that she stayed with in-laws for initial period of 15 days and she has lodged the FIR in question after Aashish sent her notice for restitution of conjugal rights on 14.08.2021. She has also admitted that after receipt of the notice, she did not join company of Aashish.

6. Vague and general allegations are levelled against the present applicants in the FIR and the material collected during the investigation is not sufficient to attract charge under Section 498A read with Section 34 of the IPC against the present applicants. It appears that only with a view to harass the applicants, their names are

incorporated in the FIR.

7. Criminal Application is, therefore, allowed. Proceedings of R.C.C. No. 1758 of 2022 arising out of First Information Report bearing Crime No.360 of 2022 registered with Frezarpura Police Station, Amravati City for the offences punishable under Sections 498A read with Section 34 of the Indian Penal Code, pending before the learned Judicial Magistrate First Class, Court No.7, Amravati, is hereby quash and set aside against, to the extent of applicants.

8. Criminal Application stands disposed of accordingly.

(PRAVIN S. PATIL, J.)

(NITIN B. SURYAWANSHI , J.)

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