



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

CRIMINAL APPLICATION (APL) NO.397/2024.

1.Vishnu s/o Pralhad Rothe,
Aged about 47 years, Occupation -
Agriculturist, resident of Wadgaon
Rothe, Tq. Telhara, District Akola.

2.Amol s/o Vasant Baringe,
Aged about 27 years, Occupation -
Medical Representative, resident of New
Tapadia Nagar, Akola, Taluq and
District Akola.

... **APPLICANTS.**

VERSUS

1.The State of Maharashtra,
through Police Station Officer, P.S.
Shegaon Gramin, Tq.Shegaon,
District Buldhana.

2.Sau.Nikata w/o Ganesh Baringe,
Aged about 20 years, Occupation -
House work, resident of Sangwa,
Tq. Shegaon, District Buldhana.

... **NON-APPLICANTS.**

Mr. A.B. Mirza, Advocate for Applicants.
Mr.A. Chutke, A.P.P. for Non-applicant No.1.
None for Non-applicant No.2.

**CORAM : NITIN B. SURYAWANSHI AND
M. W. CHANDWANI, JJ.**

DATE : JANUARY 23, 2025.

ORAL JUDGMENT (PER NITIN B. SURYAWANSHI, J.) :

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

2. This application filed under Section 482 of the Criminal Procedure Code seeks quashing of the First Information Report No.0019/2024 registered at the instance of non-applicant no.2, with Shegaon Gramin Police Station, District Buldhana for the offence punishable under Sections 498-A, 504, 506 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. First information report is lodged by non-applicant no.2 alleging that her marriage with Ganesh Vasant Baringe (brother of

Applicant No.2) took place on 13.03.2023. Applicant no.2 had quarreled with her relatives during engagement ceremony that they were not given proper respect. At that time, said dispute was settled. Thereafter marriage was performed. After marriage her in-laws used to harass her for small reason and were making demand of Rs.1 lakh for agricultural purpose. On 28.08.2023 her in-laws had beaten her, therefore, she went to her uncle's place, called her father and requested him to take her away. Thereafter, husband of Sarpanch (applicant no.1), village Wadgaon Rothe came there and by convincing her, took her to in-laws house. He forcibly obtained her signatures on blank stamp paper and threatened that if the incident is disclosed to anybody, then her parents would not be left alive.

4. Heard learned Counsel for applicants and learned A.P.P. for non-applicant no.1-State. None appears for non-applicant no.2. Record shows that on earlier dates also none appeared for non-applicant no.2, therefore in order dated 16.01.2025 it was observed that if none appears on behalf of non-applicant no.2 on next date the

matter will be considered on merits.

5. Learned Counsel for applicants submits that applicant no.1 is neither relative of accused persons named in first information report, nor he has any concern with the accused persons. Applicant no.2 is brother-in-law, who stays at Akola and he has never stayed with his parents or non-applicant no.2 or her husband. He submits that the allegations made against applicants are vague and continuation of prosecution against them is not justifiable in the facts and circumstances of the case.

6. Learned A.P.P. on the other hand supported first information report and he states that plain reading of the first information report clearly makes out a case against applicants, hence, the application may be dismissed.

7. Applicants have placed on record copy of notice dated 02.11.2023 issued by Ganesh to non-applicant no.2 alleging that non-applicant no.2 had disclosed that she was having an affair with one

boy and she cannot live without him. She has left the matrimonial house on her own accord. On her behalf there was a demand of Rs. 5 lakhs for divorce. She has gone to police station and lodged false complaint against Ganesh and her in-laws. She was called upon to withdraw the complaint and obtain a divorce by mutual consent.

8. First information report is lodged on 18.01.2024 alleging commission of offence by the in-laws during the period between 13.03.2023 to 28.08.2023. From perusal of the first information report in question, it is clear that allegations made against applicants are vague and general. Applicant no.1 is not concerned with the family or in-laws of non-applicant no.2. Applicant no.2 is staying at Akola and asserts that at no point of time he has resided with his parents and non-applicant no.2. Allegations made against applicants are omnibus and they do not make out ingredients of the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code. Continuation of criminal proceeding against applicants is therefore, an abuse of process of law. Hence, Criminal Application is

allowed.

The first information report bearing Crime No.0019/2024 registered with Shegaon Gramin Police Station, District Buldhana for the offence punishable under Sections 498-A, 504, 506 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, is hereby quashed and set aside so far as the applicants (1)Vishnu Pralhad Rothe and (2) Amol Vasant Baringe are concerned.

Rule is made absolute accordingly.

JUDGE

JUDGE