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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3886 OF 2024

1. Pankaj S/o. Sharad Aanap, [Husband]
Age-36 years, Occu- Private Service,
R/o. Flat No. 402, Siddhi Arcade,
Near Manda, Behind Titwala Police Station,
Titwala (E), Tq. Kalyan, Dist. Thane
2. Swati Sharad Aanap [mother-in-law]
Age-56 years, Occu- Household,
R/o. Flat No. 402, Siddhi Arcade,
Near Manda, Behind Titwala Police Station,
Titwala (E), Tq. Kalyan, Dist. Thane
3. Ankush Sharad Aanap [Brother-in-law]
Age-35 years, Occu-Pvitate Service,
R/o. Mangal Sukh Sadan, Plot No. G-13
Sec-20, Behind Bank of India, Belapur
Navi Mumbai
4. Ashok @ Arjun S/o. Dattaram Padalkar,
[Putative Brother of applicant No.2]
Age-64 years, Occu-Business,
R/o. N-3-J-59, Shriram Niwas,
Infront of Shrikrushna Temple, Shopping Centre,
Old Cidco, Nashik, Dist. Nashik

VERSUS

1. The State of Maharashtra,
through the Police Station Officer,
Police Station Cidco, Tq. Aurangabad
Dist. Aurangabad
2. Manisha W/o. Pankaj Aanap,
Age-27 years, Occu-Household,
R/o. House No. 251, R-26, Raigad Nagar,
N-9, Cidco, Aurangabad,
Tq. Aurangabad, Dist. Aurangabad

...RESPONDENTS

Mr. Sudhir Telgote, Advocate for the applicants
Mr. N. D. Raje, APP for the respondents/State
Mr. A. C. Deshpande, Advocate for the respondent No. 2

CORAM : RAJNISH R. VYAS, J.

DATE : 06th APRIL, 2026

PER COURT :

1. Heard.
2. Initially this application was preferred at the instance of four applicants. Vide order dated 26-09-2024, the learned Advocate for the applicants did not press an application for applicant Nos.1 and 2 i.e. husband and mother-in-law of non-applicant No.2. The present application now pertains to applicant No.3 i.e. brother-in-law and applicant No. 4 i.e. putative brother of applicant No.2.
3. Learned Advocate for the applicants has contended that if the First Information Report bearing No.341 of 2024 dated 22-05-2024 registered with CIDCO Police Station, Dist. Aurangabad for the commission of offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act, is perused, it would be crystal clear that so far as allegations against the applicant Nos. 3 and 4 who are original accused No. 3 and 4 are not enough to attract the ingredients offences registered. He further submitted that the allegations are

vague and therefore, the First Information Report and consequent filing of proceeding be quashed and set aside against them.

4. Per contra the learned APP submitted that the applicant No.3 is the real brother of the original applicant No. 1 and therefore, in the aforesaid background considering averments in the of the First Information Report and considering the fact that even Section 34 of the IPC is invoked, the application be dismissed.

5. Learned Advocate for the non-applicant No. 2 has submitted that since the charge-sheet is already filed, the applicants can always take recourse to discharge application. He submitted that prima facie case is available against the present applicants.

6. With the help of the respective counsels, I have gone through the record of the case. The challenge in the present application is not only to the First Information Report but also final report and the order taking cognizance by the jurisdictional Magistrate. The present applicants are original accused Nos. 3 and 4 in the final report. The applicant No. 3 is the brother of the husband of non-applicant No.2, whereas applicant No. 4 is the putative brother of the applicant No.2.

7. In the First Information Report the informant Manisha has stated that her marriage was solemnized on 12-12-2019 with

Pankaj as per Hindu rites and ceremony. In the marriage her mother had gifted Rs.3,51,000/- in cash, 17 gram gold and 6 gram ring to the husband and 10 gram chain also. She also submitted that household articles were also gifted. After the marriage the informant started residing at Thane where she was treated properly for six months by her in-laws.

8. It was alleged that some time in the month of January, 2020 the mother-in-law i.e. applicant No.2 (whose application was not pressed earlier) had demanded amount of Rs.20 lakhs on the count of establishing the business for the applicant No.1-husband (whose application was not pressed earlier). The non-applicant No.2 then shown her inability on the count that financial condition of her brother and mother was not proper. On that count she was assaulted and was subjected to mental and physical harassment. When the non-applicant No.2 narrated the said incident to her husband, he told that she would have to obey the orders passed by his mother. He also assaulted and abused the non-applicant No.2. It was alleged in the First Information Report that on trifle reasons her mother-in-law used to abuse and beat her.

9. So far as present applicant No.3 Ankush is concerned, it was alleged in the First Information Report that he had assaulted the non-applicant No.2 and threatened her to bring the amount from her

parents for establishing the business of his brother, else the non-applicant No.2 could leave her matrimonial place. The non-applicant No.2 had narrated the aforesaid incident to her mother and brother who have asked her to stay at that place only.

10. As far as applicant No.4 is concerned, it was alleged that he was having illicit relationship with the applicant No.2/mother-in-law and since the non-applicant No.2 came to know about the said fact, applicant No. 4 started developing grudge against the non-applicant No.2 and on that count used to abuse and harass her. It was further alleged that on his say, mother-in-law, husband and brother-in-law had driven the non-applicant No.2 out of the house. The non-applicant No.2 had also narrated the aforesaid incident to her mother and brother who by arranging small amount on various occasions had given an amount of Rs.6 lakhs to them.

11. It was the case of the non-applicant No. 2 that in spite of aforesaid fact she was regularly subjected to mental and physical harassment. According to the non-applicant No.2 on 16-05-2024, she lodged a complaint with Titwala Police Station due to which, she was driven out of the house on 16-05-2024 and since then she was residing at her parents' place.

12. It is this narration of the fact which has triggered a

criminal law in motion. The registration of FIR, resulted into carrying out the investigation and ultimately filing of charge-sheet and thereafter, order taking cognizance by the jurisdictional Magistrate.

13. Final report, if perused would reveal that so far as present applicant No.3 brother-in-law is concerned, it is stated that on one occasion he had demanded amount from the non-applicant No.2 for establishing business of his brother.

14. So far as the applicant No. 4 is concerned, it is alleged that he was having illicit relationship with mother-in-law of non-applicant No.2 and since the said fact was known to the non-applicant No.2, the applicant No.4 started abusing so also harassing her.

15. At this juncture, it is necessary to mention here that both the allegations are bereft of any specific details. The allegations are general in nature and not specific. Vague allegations would not be enough to attract the ingredients of offences registered. There is further omnibus statement that applicant No.3/brother-in-law along with husband and mother-in-law of the informant had driven the non-applicant No.2 out of the house. Said omnibus and general allegations would thus can not prima facie material for continuatnion of criminal proceeding. As already stated that the application for

husband and mother-in-law is not pressed, therefore, commenting anything qua their role would not be necessary. Suffice it to say that considering the nature of allegations made against the applicants i.e. brother-in-law and putative brother of applicant No.2, continuation of the prosecution would not be in the interest of justice.

16. So far as contention of the learned APP and learned advocate for the non-applicant no.2 that since the charge-sheet is filed, recourse can be taken to discharge the application.

It can be said that though powers under Section 482 of Cr. P. C. are to be exercised exceptionally. Non exercise of the same in the appropriate case would also not be in the interest of justice. In the peculiar facts and circumstances of the case, directing the present applicants i.e. brother-in-law and putative brother of mother-in-law of non-applicant No.2 would not be in the interest of justice. Hence, the following order :

ORDER

- a] The application is allowed in terms of prayer clauses [B] and [B-1] to the extent of applicant Nos. 3 and 4.
- b] The application stands disposed off.

[RAJNISH R. VYAS, J.]