



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 299 OF 2024

1. Sangitabai w/o Shahadeo Nagre,
Aged : 51 years, Occ : Household,
R/o Ghogas Pargaon,
Tq. Shirurkasar, District Beed.
2. Vishnu s/o Tukaram Nagre,
Aged : 42 years, Occ : Service,
R/o Kaveri Nagar, Police Lines,
Hinjawadi, Taluka and District Pune. ... Applicants
[Orig. Accused nos. 3 & 4]

Versus

The State of Maharashtra,
Through the Police Station Officer,
Chaklamba Police Station,
Taluka Georai, District Beed. ... Respondent

.....
Mr. Rajendra Hange h/f Mr. S. R. Shirsat, Advocate for the Applicant.
Mr. S. G. Sangle, APP for the Respondent-State
.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 22.01.2026

Pronounced on : 27.01.2026

ORDER :

1. In present revision, there is challenge to the order of learned Additional Sessions Judge, Beed on application Exhibit 62 in Sessions Case No. 111 of 2019, i.e. on application seeking discharge by invoking Section 227 of Cr.P.C. from charges under Sections 498-A, 334-B r/w 34 of IPC.

2. In short, FIR came to be registered at Chakalamba Police Station vide No. 188 of 2018 on receipt of report from Pradeep Dhakane that, his sister Shubhangi was married three years back to Sachin Nagre. He alleged that after six months of marriage, husband Sachin, father-in-law Shahadeo, mother-in-law Sangitabai (present revision petition no.1), cousin father-in-law Vishnu (present revision petitioner no.2) initially demanded money for digging well and laying down pipeline and in such backdrop, his sister was subjected to physical and mental cruelty which she reported and even said demand was met by paying Rs.30,000/-. He further reported that, again there was demand of Rs.50,000/- for purchase of plot and ill-treatment on that count and said demand was also met. However, according to him, after some days there was again demand of money and ill-treatment on that count to his sister which his sister conveyed on telephone and thereafter in a meeting, understanding was given to the in-laws but they did not changed their conduct. He claims that finally getting fed up of the cruelty, his sister committed suicide by hanging on 10.10.2018.

On above report, police registered above crime for above offence.

3. After completion of investigation, accused were chargesheeted and case was committed to the court of sessions vide Sessions Case No. 111 of 2019. During pendency of trial, application Exhibit 62 for discharge was pressed into service by present revision petitioners, but the same has been turned down and hence present revision.

4. Learned counsel for revision petitioner would allege false implication. According to him, there was no demand or ill-treatment as alleged. He submitted that, there are general and omnibus allegations about demand of money. As regards to present revision petitioners are concerned, he submitted that they are mother-in-law and distant cousin father-in-law of deceased. That, no specific roles are attributed to them. He pointed out that moreover, revision petitioner No. 2, who is in police department, was working and placed at Pune and therefore there is no question of he indulging in any ill-treatment to deceased. He submitted that in the entire charge sheet, there is no incriminating material against them. Even statements of witnesses who are mostly relatives, are hearsay and therefore, with such material, it is his case that, it would not be just and proper to make revision petitioners face trial and therefore he criticizes the impugned order and urges to allow the revision.

5. On the other hand, justifying the impugned order, learned APP pointed out that, barely within six months of marriage, there was demand and on its non-fulfillment, there was both, physical and mental cruelty. He pointed out that, accused are named in the FIR by informant brother. That, initial demands of Rs.30,000/- and Rs.50,000/- were met but again demand was raised and on its non fulfillment, deceased was subjected to cruelty.

6. He further pointed out that, from the charge-sheet it is clear that revision petitioner no.1 who is mother-in-law and revision petitioner no.2 who is cousin father-in-law, had also participated in demand and ill treatment. He pointed out that, revision petitioner no.2 was also instrumental in the meeting to assert dowry and therefore, with such quality of material, learned APP justifies the order of trial court in rejecting the application for discharge on the ground that there is sufficient material against both of them to both, frame the charge as well as conduct trial.

7. Before advertng to the merits of the case, it would be apt to give a brief account of settled legal precedents to be borne in mind while entertaining application under Section 227 of Cr.P.C. Few amongst them which could be named are ***State of Bihar v. Ramesh***

Singh (1977) 4 SCC 39 ; *Union of India v. Prafulla Kumar Samal & Another* (1979) 3 SCC 4 ; *R.S. Nayak v. A.R. Antulay & Another* (1986) 2 SCC 716; *Sajjan Kumar v. Central Bureau of Investigation* (2010) 9 SCC 368 ; *Amit Kapoor v. Ramesh Chandra & Another* (2012) 9 SCC 460 and recent judgment in the case of *Asim Shariff v. National Investigating Agency* (2019) 7 SCC 148, *Ram Prakash Chadha v. State of Uttar Pradesh* (2024) 10 SCC 651.

The ratio that is culled out is that, while dealing with an application under Section 227 of Cr.P.C., strong suspicion against the accused cannot take the place of proof of his guilt at the conclusion of the trial. But at the initial stage, if there is a strong suspicion which leads the court to think that there is ground for presuming that the accused has committed an offence, then it is not open to the court to say that there is no sufficient ground for proceeding against the accused. The test to determine a *prima facie* case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. Where the material placed before the Court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial. By and large however, if two views are equally possible and the Judge is satisfied that the evidence produced

before him while giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused.

8. Keeping the above settled legal principles in mind, with limited purpose of ascertaining whether there is *prima facie* sufficient material against both revision petitioners to make them face trial or not, charge sheet is sifted. FIR dated 11.10.2018 is at the instance of Pradeep Dhakane, who is brother of deceased Shubhangi. Substance of the FIR is that after six months of marriage, he named husband, father-in-law, mother-in-law (present revision petitioner) cousin father-in-law (present revision petitioner no.2) for asking deceased to bring money from her father for the purpose of digging well and laying down pipeline. Though informant stated regarding payment of Rs.30,000/-, how much amount was demanded by accused persons has apparently not being stated by informant. On further reading the FIR, he has stated that, subsequently there are allegations against entire in-laws for demanding money for purchasing land. Again, where the land was proposed to be purchased and how much amount is demanded is not stated in the complaint. However, he stated that, again Rs.50,000/- were given to the in-laws. Then he alleged that there was taunting to his sister on her complexion, inability to do

household work and she to be a jinx. Brother claims that, this was all reported to them by his sister over phone. He alleged that all tried to gag his sister when she asked them not to put up demand. He claims that even a meeting was held to give understanding and that time, it is alleged that, revision petitioner no.2 was present there and he had said that dowry as decided has not been given and to meet the demand. Thereafter, he reported about his sister committing suicide on 10.10.2018.

9. What is emerging from above FIR is that, there are allegations of demand after six months of marriage. Here, there are allegations of commission of offence under Section 498-A and 304-B of IPC.

As regards to commission of offence under Section 498-A IPC is concerned, in the FIR, apparently, sweeping allegations are made against entire family, stating that there was demand and ill treatment by in-laws. No specific roles of any of the accused are clearly defined, nor any instances are quoted as to when exactly physical and mental cruelty was inflicted and in what form.

The Hon'ble Apex Court, in the case of *Manju Ram Kalita v. State of Assam*, reported in (2009) 13 SCC 330, has clarified as to what is meant by "cruelty" which is contemplated under Section 498-

A of IPC. It is held that, cruelty must be assessed contextually which is distinct from its usage in other statutes. The germane of the accusation which is expected to be established is that, the woman was subjected to cruelty “continuously” or “persistently” or at least in close proximity to the time of lodging complaint. There has to be willful conduct to drive the woman to commit suicide or to cause grave injury to her life, limb or health (mental and physical). It has to be demonstrated that there was harassment with the view to coercing her or her relatives to meet any unlawful demand and harassment was on account of failure to meet the same. The above propositions are also echoed and reiterated in the recent judgment of the Hon’ble Apex Court in the case of ***Smt. Bhagwati Devi v. State of Uttarakhand*** reported in 2025 INSC 1051.

Here, as stated above, in the FIR and in the statements which are part of chargesheet, general, sweeping and omnibus allegations are made involving the entire in-laws. Revision petitioner no.1 is mother-in-law, but what role she played is not crystallized. Similarly, revision petitioner no.2/cousin father-in-law, though is named, even his role is not crystallized. He is named for being party to the alleged meeting to give understanding, where he merely stated that, dowry demand has not been met. But such allegations are raised for the first

time only after suicidal death and not prior to it. What happened in proximity to the date of suicide is unclear. It is not clear that even on that day or in proximity to it there was demand followed by harassment.

Consequently, there being omnibus and sweeping allegations against in-laws for inflicting cruelty, essential ingredients for attracting the offence of Section 498-A IPC are patently missing in the case in hand.

10. For attracting the charge of Section 304-B IPC, there has to be material to show that soon before the unnatural death, there was maltreatment in the backdrop of dowry demand and that made deceased end up her life. Here, neither in the FIR nor in the statements of the relatives there is material suggesting any demand or ill-treatment in proximity i.e. either on 09.10.2018 or 10.10.2018 i.e. the day of suicide. For attracting charge of Section 304-B IPC, it is incumbent upon prosecution to demonstrate by way of material that, soon before the unnatural death there was dowry demand and on its failure there was cruelty which turned out to be the cause for committing suicide. Resultantly, as regards to the very essence of Section 304-B, there is no evidence and therefore, merely because death has taken place within seven years, automatically said charge

cannot be made applicable. As regards to revision petitioner no.2 cousin father-in-law is concerned, he is shown to be resident of Pune. In the FIR, there is reference in his context only in an alleged meeting, but apparently when said meeting was conducted is also not clarified. For above reasons, charge of Section 304-B IPC too seems to be misplaced and resultantly, both revision petitioners succeed. Hence, following order :

ORDER

- I. The Criminal Revision Application is allowed.
- II. The order dated 24.09.2024 passed by learned Additional Sessions Judge, Beed below Exhibit 62 in Sessions Case No. 111 of 2019 is hereby quashed and set aside.
- III. The Application Exhibit 62 filed in Sessions Case No. 111 of 2019 stands allowed. Both the **revision petitioners stand discharged from offence under Sections 498-A and 304-B r/w 34 of IPC** in Sessions Case No. 111 of 2019 (FIR No. 188 of 2018 registered at Chaklamba Police Station, Beed).
- IV. The Criminal Revision Application is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]