



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.690 OF 2025**

1. Amrutrao Vishwambhar Thorat
(Father in law of informant)
Age- 74 years, Occupation-Retired,
R/o. Morewadi, Ambajogai,
Tq: Ambajogai, Dist.Beed.
2. Sheelabai Amrutrao Thorat
(Mother in law of informant)
Age- 66 years, Occupation-Household
R/o. Morewadi, Ambajogai,
Tq. Ambajogai, Dist.Beed.
3. Suchita Balasaheb Jadhav
(Sister in law of informant)
Age-44 years, Occupation-Household
R/o. 145, Kasba Vibhag, Jadhav Galli,
Dharur, Tq. Dharur, Dist. Beed.
4. Balasaheb Ramrao Jadhav
(Husband applicant no.3)
Age-49 years, Occupation-Business,
R/o. 145, Kasba Vibhag, Jadhav Galli,
Dharur, Tq. Dharur, Dist.Beed.
5. Sarika Santosh Tambe
(Sister in law of informant)
Age-38 years, Occupation-Civil Contractor,
R/o. "Shriniwasa Niwas", Ganpati Nagar,
Near Balleshwar Temple, Old Saraswati School,
Beed, Tq. & Dist.Beed.
6. Santosh Maindaji Tambe
(Husband of applicant no.5)
Age-43 years, Occupation-Business, 1
R/o. "Shriniwasa Niwas", Ganpati Nagar,
Near Balleshwar Temple, Old Saraswati School,
Beed, Tq. & Dist.Beed.
7. Swapnali Sushil Gadhave,
(Sister in law of informant)
Age-34 years, Occupation-Business,
R/o. Flat No.501, Gagan Vihar Cooperative
Housing Society, Market Yard,

Bibewadi Road, Bibewadi, Pune,
Tq. & Dist. Pune.

8. Sushil Sureshrao Gadhave,
(Husband of applicant no.7)
Age-35 years, Occupation-Business,
R/o. Flat No.501, Gagan Vihar Cooperative
Housing Society, Market Yard,
Bibewadi Road, Bibewadi, Pune,
Tq. & Dist. Pune. ..Applicants
(Accused no.1 to 8 as shown in FIR)

Versus

1. The State of Maharashtra,
Through Officer In Charge,
Police Station Kaij, Dist.Beed.
2. Vaishali Sachin Thorat
Age-33 years, Occupation-Homemaker,
R/o. Morewadi, Ambajogai,
Tq. Amjogai, Dist. Beed.
At present - C/o. Ashok Sopanrao Londhe,
Mangalwar Peth, Kaij,
Tq. Kaij, Dist.Beed.
Mob.No. 8975379847 ..Respondents
(Respondent No.2 is original informant)

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Ms. Ashwini A. Lomte, Advocate for the Applicants.

Ms. R. R. Tandle, APP for Respondent-State.

Mr. R. D. Khadap, Advocate for Respondent No.2.

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 10th APRIL, 2026.

JUDGMENT:-

1. The applicants seeks quashment of FIR No.183/2024 dated 06.04.2024 registered with Kaij Police Station, Dist. Beed for offence punishable under Sections 498-A, 323, 504, 506 r/w 34 of Indian Penal Code and Section 4 of Dowry Prohibition Act. The applicants also seeks to quash and set aside charge-sheet and

consequential proceeding in R.C.C. No.208/2024 pending before Judicial Magistrate First Class, Kaij, District Beed.

2. The investigation was set in motion on the basis of information given by respondent no.2. In nutshell she alleges that on 18.12.2011 she married with Sachin Thorat. After marriage she was treated well. The couple is blessed with two daughters. On 15.10.2021, her husband suffered death due to heart attack. Thereafter, she resided at matrimonial home. For about six months, she treated well. However, thereafter in-laws started demanding amount received towards insurance claim of her husband. She was beaten by fist and kick blows. Her sisters-in-law used to visit matrimonial home and tease her alleging that she is not maintaining parent-in-law. They started refusing her right in property left by her husband. On 09.11.2023, they asked for to transfer 14R land standing in name of her husband to them. When she refused, she was again beaten and driven out of home. Since then, she is residing at her maternal home at Kaij.

3. The aforesaid information culminated into registration of FIR No.183/2024. The investigation progressed and charge-sheet has been filed.

4. The present application was listed before this Court on 04.03.2025. On disinclination expressed by this Court to entertain

application to extent of applicant nos.1 and 2, same has been dismissed as withdrawn. The present application is prosecuted on behalf of applicant nos.3 to 8 only.

5. Ms. Ashwini Lomte, learned Advocate appearing for applicants submits that allegations in FIR are false, vague and unspecific. The exaggerated and concocted version of small incident have been inserted in FIR. The complaint is filed only with intention to settle personal scores against husband's relatives. She would point out that properties left by her husband have been mutated in her name and in names of her daughters. The applicant nos.3 to 8 are married sisters and their husbands, and they are residing at their respective matrimonial homes. They are unconcerned with family affairs of respondent no.2 and applicant nos.1 and 2.

6. Per contra, Mr. Khadap, learned Advocate appearing for respondent no.2 and Ms. Tandle, learned APP appearing for respondent/State submit that averments in FIR coupled with investigation brings on record sufficient material to relegate applicants to trial. No case is made out to invoke inherent powers.

7. Having considered submissions advanced by learned Advocates appearing for respective parties and on perusal of material in charge-sheet, it is discernible that respondent no.2 had

married in year 2011 with late Sachin Thorat. Till 2021 respondent no.2 had happy matrimonial life with her husband and two daughters. Even after death of husband, there was no complaint against in-laws. Apparently, dispute started when insurance amount against death of Sachin was received. The first allegation is that applicants/accused demanded share in money and insulted and assaulted informant on that count. However, no particulars of said incident are given in FIR. Even otherwise, those allegation would stand only against applicant nos.1 and 2, who are not before this Court. So far as applicant nos.3 to 8 are concerned, they are married sisters-in-law of respondent no.2 and their husbands. Apparently, they are residing at their matrimonial home. Only allegation against them is that they started demanding shares in family property and raised demand to transfer property situated at Ambajogai in their names. As rightly pointed out by learned Advocate appearing for applicants, allegations appear to be an exaggerated version. In any event, even if sisters claim their shares in property, same would not, by itself, constitute any offence.

8. At this stage, reference can be given to observations made by the Supreme Court in case of ***Preeti Gupta and Another and Another Vs. State of Jharkhand and Another***¹, wherein Apex Court observed in paragraph nos.30, 32 and 34 as under :-

¹ (2010) 7 SCC 667.

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

32. It is a matter of common experience that most of these complaints under section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.”

9. In yet another judgment in case of ***Kahkashan Kausar @ Sonam and Others Vs. State of Bihar and Others***², the Supreme Court after taking stock of various earlier decisions in the subject matter, observed in paragraph no.17 as under:

“17. The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.”

10. Similarly, in case of ***Sushil Kumar Sharma vs. Union of India and others***³, the Supreme Court observed in paragraph no.19 as under :-

² (2022) 6 SCC 599.

³ (2005) 6 SCC 281.

“19. The object of the provision is prevention of the dowry meance. But as has been rightly contended by the petitioner many instances have come to light where the complaints are not bonafide and have filed with oblique motive. In such cases acquittal of the accused does not in all cases wipe out the ignomy suffered during and prior to trial. Sometimes adverse media coverage adds to the misery. The question, therefore, is what remedial measures can be taken to prevent abuse of the well-intentioned provision. Merely because the provision is constitutional and intra vires, does not give a licence to unscrupulous persons to wreck personal vendetta or unleash harassment. It may, therefore, become necessary for the legislature to find out ways how the makers of frivolous complaints or allegations can be appropriately dealt with. Till then the Courts have to take care of the situation within the existing frame work. As noted the object is to strike at the roots of dowry menace. But by misuse of the provision a new legal terrorism can be unleashed. The provision is intended to be used a shield and not assassins' weapon. If cry of "wolf" is made too often as a prank assistance and protection may not be available when the actual "wolf" appears. There is no question of investigating agency and Courts casually dealing with the allegations. They cannot follow any strait jacket formula in the matters relating to dowry tortures, deaths and cruelty. It cannot be lost sight of that ultimate objective of every legal system is to arrive at truth, punish the guilty and protect the innocent. There is no scope for any pre-conceived notion or view. It is strenuously argued by the petitioner that the investigating agencies and the courts start with the presumption that the accused persons are guilty and that the complainant is speaking the truth. This is too wide available and generalized statement. Certain statutory presumption are drawn which again are reputable. It is to be noted that the role of the investigating agencies and the courts is that of watch dog and not of a bloodhound. It should be their effort to see that innocent person is not made to suffer on account of unfounded, baseless and malicious allegations. It is equally indisputable that in many cases no direct evidence is available and the courts have to act on circumstantial evidence. While dealing with such cases, the law laid down relating to circumstantial evidence has to be kept in view.”

11. Applying aforesaid exposition of law in facts of present case, this Court finds that this is case of over implication. The applicant nos.3 to 8, who are married sisters-in-law and their husbands have been implicated with intention to settle family scores. It is difficult to believe their intervention in family affairs of respondent no.2 and applicant nos.1 and 2. Perusal of charge-sheet shows that there is no corroboration of reliable witness. Further statements of father and mother of respondent no.2 does not support allegation as against applicants.

12. In result, case is made out to exercise inherent powers of this Court and prevent abuse of process of law. Hence, following order is passed:

ORDER

a. Criminal Application is allowed in terms of prayer Clauses (B), (C) and (D) to the extent of applicant nos.3 to 8. The Trial Court to proceed against applicant nos.1 and 2 in accordance with law.

(S. G. CHAPALGAONKAR)
JUDGE