



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.4087 OF 2025**

Sudhir Suresh Kapare

Age: 31 years, Occ: Private Service,

R/o: Samangaon, Tq. Shevgaon,

Dist. Ahilyanagar.

Versus

...Applicant

(Orig. Accused no.1)

1. The State of Maharashtra,
Through its Investigating Officer,
Newasa Police Station,
Tq. Newasa, Dist. Ahmednagar.
2. The Superintendent of Police,
Ahmednagar.
3. Smt. Archana Nanasaheb Kardile,
Age: 41 years, Occ.: Agri & Household,
R/o. Gevrai, Tq. Newasa,
Dist. Ahmednagar.

..Respondents

(Orig. Informant)

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Mr. Manoj D. Shinde a/w Mr. Suhas Hulyalkar, Advocate for Applicants.

Mr. S. A. Gaikwad, APP for Respondents-State.

Mr. A. T. Kanawade, Advocate for Respondent No.3.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 21st JANUARY, 2026.

PRONOUNCED ON : 24th FEBRUARY, 2026.

JUDGMENT:-

1. The applicant seeks quashment of FIR dated 20.06.2022 in Crime No.508/2022 registered with Newasa Police Station, Dist. Ahmednagar for offences punishable under Sections 304-B, 306, 498-A, 504, 506, 212 r/w 34 of Indian Penal Code and Section 4 of Dowry Prohibition Act as well as consequential proceeding in

Sessions Case No.46/2024 pending before Additional Sessions Judge, Newasa.

2. The investigation was set in motion on the basis of information given by respondent no.3 alleging that on 24.04.2022 her daughter namely Preeti married to Sudhir Suresh Kapare as per Hindu rites and customs. The dowry in cash, gold ornaments and household articles were gifted in marriage. After marriage, she had been to Samangaon and resided with her in-laws. It is alleged that from second day of marriage, Sudhir started ill-treatment towards Preeti doubting that she has had love affair since before marriage. He started ill-treatment to her for reason that he was not gifted motorcycle at marriage. He was asking for clearing bills towards gold ornaments purchased by in-laws at marriage. Preeti used to complain about ill-treatment meted to her by her husband and in-laws. About 15 days prior to date of incident, in-laws of Preeti had been to house of informant. They were alleging that Preeti had love affair and they will not allow her to use mobile phone. On 19.06.2022, Preeti and her husband were invited for birthday celebration of Preeti's brother Omraj. Preeti was telling about ill-treatment meted to her. At about 11.15 pm Preeti came out of room and collapsed on floor. She was unconscious. She had consumed poisonous substance, which was oozing from her mouth. She was taken to hospital, but declared as

brought dead. It is accordingly alleged that Preeti was ill-treated by her in-laws on account of demand of dowry and doubting her character. Resultantly, she consumed poison to end her life. Eventually, Crime No.508/2022 has been registered with Newasa Police Station, Dist. Ahmednagar for offences punishable under Sections 304-B, 306, 498-A, 504, 506, 212 r/w 34 of Indian Penal Code and Section 4 of Dowry Prohibition Act. The investigation progressed in pursuance to registration of FIR and finally charge-sheet has been filed in Sessions Case No.46/2024 against applicant.

3. The applicant/husband has named as accused. The respondent no.3 has filed affidavit-in-reply stating that by intervention/mediation of family members, they have arrived at amicable settlement and she has no objection to quash criminal proceeding as against applicant.

4. Mr. Shinde, learned Advocate appearing for applicant submits that entire allegations in FIR are vague and unspecific. The deceased committed suicide, as she was not happy with marriage. She committed suicide within two months of marriage while she was at maternal home. Mr. Shinde, learned Advocate relies upon following judgments:

1. ***Ramesh Kumar Vs. State of Chhattisgarh*¹.**

2. ***Sanju alias Sanjay Singh Sengar Vs. State of M.P.*²..**

¹ 2001 Cri. L.J. 4724.

² AIR 2002 SC 1998.

3. ***Dilip Ramrao Shirasao Vs. State of Maharashtra*³.**
4. ***M. Arjunan Vs. State*⁴.**
5. ***Ramrao Vs. State of Maharashtra*⁵.**
6. ***Gian Sing Vs. State of Punjab and Anr.*⁶.**

5. Per contra, Mr. Gaikwad, learned APP appearing for respondents-State opposes application stating that inherent powers cannot be exercised to quash proceeding in respect of heinous and serious offence, which are to be treated as crime against society and not against individual. The offence under Section 306 would fall in same category and cannot be quashed on the basis of settlement with parents of deceased. In support of his contentions he relies upon observations of Supreme Court in case of ***Daxaben Vs. Sate of Gujarat and Others*⁷**.

6. Having considered submissions advanced by learned Advocates appearing for respective parties and on perusal of material tendered into service, it can be observed that contents of FIR specifically alleges that deceased was married on 24.04.2022 with applicant. Since second day of marriage, accused/husband was teasing her alleging pre-marital affair. He was doubting her character. He was demanding motorcycle. There was demand for clearing bills of gold ornaments purchased at marriage.

³ AIROnline 2016 Bom 21.

⁴ AIR 2019 SC 43.

⁵ 2024 SCC OnLine Bom 3035.

⁶ AIR 2012 SC (Supp) 838.

⁷ (2022) 16 SCC 117.

Ultimately, she committed suicide on 19.06.2022 while she was in company of her husband. The allegations in FIR which are supported by statement of other witnesses, *prima facie*, depicts that deceased committed suicide owing to continuous harassment/ill-treatment coupled with unlawful demand. The allegations in FIR, *prima facie*, constitutes ingredients of cruelty within meaning of Section 498-A and 304-B of Indian Penal Code. Apart from that, there is presumption of dowry death under Section 113 (B) of Indian Evidence Act, since death has been occurred within seven years of marriage.

7. Although respondent no.3 has submitted affidavit-in-reply consenting for quashment of FIR and further proceeding in light of observations of Supreme Court in case of ***Daxaben*** (supra), this is not a fit case to exercise inherent powers. Reference can be given to observations of Supreme Court in paragraph nos.37 and 38, which reads as under:

“37. However, before exercising its power under Section 482 of the Cr.P.C. to quash an FIR, criminal complaint and/or criminal proceedings, the High Court, as observed above, has to be circumspect and have due regard to the nature and gravity of the offence. Heinous or serious crimes, which are not private in nature and have a serious impact on society cannot be quashed on the basis of a compromise between the offender and the complainant and/or the victim. Crimes like murder, rape, burglary, dacoity and even abetment to commit suicide are neither private nor civil in nature. Such crimes are against the society. In no circumstances can prosecution be quashed on compromise, when the offence is serious and grave and falls within the ambit of crime against society.

38. Orders quashing FIRs and/or complaints relating to grave and serious offences only on basis of an agreement with the complainant, would set a dangerous precedent, where complaints would be lodged for oblique reasons, with a view to extract money from the accused. Furthermore, financially strong offenders would go scot free, even in cases of grave and serious offences such as murder, rape, bride- burning, etc. by buying off informants/complainants and settling with them. This would render otiose provisions such as Sections 306, 498-A, 304-B etc. incorporated in the IPC as a deterrent, with a specific social purpose.”

8. Similar view is reiterated by Division Bench of this Court in ***Writ Petition No.31/2017 (Mohd. Asgar Choudhari and Others Vs. State of Maharashtra and Another*** decided on **02.03.2017**), wherein this Court observed in paragraph no.4 as under:

“4. The offence alleged is under Section 306 of the Indian Penal Code. There is no question of entertaining the Petition on the ground of settlement as the victim of the alleged offence is no more. Thus, the prayer for quashing the First Information Report on the ground of settlement cannot be entertained.”

9. In that view of matter, no case is made out to exercise powers under section 482 of Criminal Procedure Code.

10. Criminal Application stands rejected.

(S. G. CHAPALGAONKAR)
JUDGE