



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

CRIMINAL APPLICATION (APL) NO. 1138 OF 2025

[Dinesh Jagdish Kaithwas and ors. **vs.** State of Maharashtra, through P.S., Wardha and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C. D. Thamke, Advocate for the applicants
Mr. N. B. Jawade, APP for the State/non-applicant no. 1
Ms. P. B. Dhruv, Advocate for non-applicant no. 2

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATED : 24-04-2026.

The applicants have filed this application to quash and set aside charge-sheet and proceedings R.C.C. No. 810/2022.

2. The crime is registered for the offences punishable under Section 498-A read with Section 34 of the Indian Penal Code (IPC) and Section 3 and 4 of Dowry Prohibition Act.

3. The marriage of applicant no. 1 and non-applicant no. 2 (complainant) was performed on 18-2-2022. The allegation is that the applicant demanded Rs. 6,50,000/- for purchasing car and after marriage, all the applicants harassed complainant physically and mentally. Thereafter, she was compelled to leave her matrimonial home and has stayed with her parents. Thereafter, she had lodged the complaint against the applicants. The crime is registered.

4. Learned counsel for the applicants has stated

that complainant has stayed with these applicants for two months after marriage. The husband of complainant was staying at Pune. The amount is transferred in the account of brother-in-law. He further stated that there are only vague allegations against all the family members. Complainant stayed for two months and there is no any statement about the mental and physical harassment by her. Section 498-A of IPC is not attracted against these applicants as there are no specific allegations about time and place. He has relied on the judgment of Hon'ble Apex Court in the case of *Dara Lakshmi Narayana and ors. Vs. State of Telangana and another* in *Criminal Appeal No. _____ of 2024 arising out Special Leave Petition (Criminal) No. 16239/2024*, in support of the argument that if the allegations are vague, no offence is made out against the accused persons. As there are no allegations about mental and physical harassment, no offence is made out against these applicant, hence, prayed to set aside the proceedings, which are pending before the learned JMFC Court.

5. Learned Additional Public Prosecutor has pointed out that the statement of account shows that the applicants have received Rs. 6,50,000/- from the father of complainant. Online transaction is made and the amount is received by applicant no. 4. The applicants have denied that there is proof of receipt of dowry as the specific allegations are not against them. This is not a case to quash and set aside the proceedings, hence, prayed for rejection of application.

6. Learned counsel for non-applicant no. 2 opposed the application by stating that the non-applicant no. 2 stayed with applicants for two months. There are specific allegations of dowry and amount was accepted by these applicants. She prayed for rejection of the application.

7. Heard both sides. The applicants have come before the Court at the stage when the charge is framed before the trial Court and the matter is fixed for evidence. On perusal of contents of FIR, it appears that complainant has stayed in matrimonial home for two months. She has mentioned that how family members treated her. Applicant no. 1 was staying away from her and she was staying with her in-laws. Her in-laws were not treating her properly and though specific incident was not mentioned, one incident is that when she has gone to her parental house, at that time, her sister-in-law and brother-in-law came to her parental house for bringing her, they called her from outside of house and she came with them. She further stated that there was continuous demands from the applicants for dowry.

8. The statement of bank account and receipt of online payment shows that the applicants have received amount of Rs. 6,50,000/-. As there is material against the applicants, trial is required. Hence, this is not a case to quash the proceedings and FIR against the applicants. The application is rejected.

JUDGE