
(2015) 03 BOM CK 0364

In the Bombay High Court

Case No : Criminal Application No. 3206 of 2014

Ravindra and Others

APPELLANT

Vs

The State of Maharashtra and Others

RESPONDENT

Date of Decision : 19-03-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 147, 148, 149, 323, 34

Citation : (2015) ALLMR(Cri) 2624

Hon'ble Judges : T.V. Nalawade, J;I.K. Jain, J

Bench : Division Bench

Advocate : C.V. Dharurkar, for the Appellant; K.M. Suryawanshi, APP and A.N. Nagargoje, Advocates for the Respondent

Judgement

T.V. Nalawade, J—Rule. Rule made returnable forthwith. By consent of both sides, taken up for final disposal. The proceeding is filed under Section 482 of the Code of Criminal Procedure for quashing of the F.I.R. bearing No. 89/2014 registered in Shivajinagar Police Station, Beed for offences punishable under Sections 498-A, 323, 504, 506, 34 of the Indian Penal Code.

2. During arguments, the learned counsel for applicant Nos. 1, 2 and 3, the husband and his parents, submitted that, on instructions, he wants to withdraw their application. So, the application of applicant Nos. 1 to 3 is disposed of as withdrawn.

3. Complainant is the wife of applicant No. 1 Ravindra. Applicant Nos. 2 and 3 are the parents of applicant No. 1. Applicant Nos. 4 to 6 are real brothers of applicant No. 1. It is contended that application No. 4 to 6 are receiving education.

4. The marriage of the complainant with Ravindra took place on 23-5-2010. Allegations are made that few days after the marriage, the husband and his parents started asking the complainant to bring Rs. 2.5 Lakh as dowry and some

articles like refrigerator, washing machine etc. from her parents. There was ill-treatment to force these demands.

5. Report was given and crime was registered at CR. No. 97/2011 for offence under Sections 498-A of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act. After that more crimes were registered by the parents of the present complainant in respect of incidents dated 14-11-2011 and 10-12-2011 and they were for offences punishable under sections 147, 148, 149, 504, 506 and sections 323, 392, 452, 147, 148, 149 etc. Indian Penal Code respectively. One proceeding under the Protection of Women from Domestic Violence Act, 2005 was also filed by the complainant, wife.

6. Writ petitions were filed by present applicants in the past in this Court and there settlement took place. In view of the settlement the previous proceedings were either quashed & set aside or compromised and so they were disposed of. It is contended by the wife that she returned to resume cohabitation on 5-1-2012. It is her case that in the house of her husband the present applicants were living. It is her case that after two months of resumption of cohabitation again the aforesaid demands were made by the husband and his relatives and report was given to the police. Allegations are made that the husband used to return home after consuming liquor and he used to give beating to her. Allegations are made that mother of the husband used to tease and abuse to insult her as their demands were not met with. Attempts were made to convince them to behave well but their conduct did not improve. Allegations are made that in one incident dated 23-7-2013 all the applicants picked up quarrel and abused her and gave beating as their demand was not met with and she was driven out the matrimonial house. It is her case that she returned to the matrimonial house on 4-8-2013 to resume cohabitation along with her father but they refused to allow her to enter the matrimonial house. Then report came to be given on 6-5-2014.

7. Learned counsel for the applicants submitted that the wife left the matrimonial house on 4-8-2013 on her own and as she did not return to the matrimonial house, proceeding for divorce was filed and in that proceeding the wife appeared and she filed application on 3-5-2014 for adjournment. It is contended that after that date she filed the FIR and it shows that she is using pressurizing tactics by impleading all the relatives of the husband and the husband in criminal cases. It appears that the matter was again referred to mediator like in the past but this time the mediation failed.

8. The aforesaid allegations show that the allegations are mainly against the husband and the mother of the husband. They are in respect of demand of Rs. 2.5 lakh and some household articles. If at all somebody will be benefited if the demands made are fulfilled that will be the husband. He has filed divorce proceeding. It can be said that the dispute is mainly between the husband and the wife and there are cases and counter cases against each other. It appears that the husband and his father are serving in Police Department and they are

controlling the affairs of the family. Same cannot be said in respect of applicant Nos. 4 to 6 who are brothers of the husband.

9. After making provision of Section 498-A in the Indian Penal Code to make cruelty by husband or relatives of husband a crime, tendency to rope in all the relatives of the husband in such a case has increased. Such tactics are normally played to pressurize the husband or his relatives to compel them for settlement. In the present case, it appears that the wife is interested in returning back to the matrimonial house but the husband is not ready for the same. As the applicant Nos. 4,5 and 6 are receiving education and they are younger brothers of applicant No. 1, this Court holds that there is possibility of exaggeration. This Court holds that the FIR filed against them needs to be quashed and set aside. In the result, the application of applicant No. 4 - Dhananjay Shashikant Jadhav, applicant No. 5 - Pruthviraj Shashikant Jadhav and applicant No. 6 - Sachin Shashikant Jadhav is allowed. First Information Report No. 89/2014 dated 6-5-2014 registered against them in Shivajinagar Police Station Beed for offences under sections 498-A, 323, 504, 506, 34 of the Indian Penal Code is quashed and set aside. The present proceeding is disposed of as withdrawn as regards the applicant Nos. 1 to 3. Rule made absolute in the aforesaid terms.