



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1380 OF 2024

1 Tushar Sampat Mane,
Age 32 yrs., Occ. Student,

2 Sampat Dadu Mane,
Age 66 yrs., Occ. Retired,

3 Mrs. Surekha Sampat Mane,
Age 55 yrs., Occ. Household,

Applicant Nos.1 to 3 are
r/o Flat No.60, Aditya Nagar
Housing Society, Gadital,
Hadapsar, Pune.

4 Mrs. Nutan Dinkar Metkari,
Age 37 yrs., Occ. Household,
R/o A-65, Anjana Apartment,
Bhekrai Nagar, Phursungi Nagar,
Pune.

5 Mrs. Tanuja Nilesh Shinde,
Age 35 yrs., Occ. Household,
R/o Flat No. D-604, Yashraj Green Castle,
Sy.No.35/4/1 Kalepadal, Hadapsar,
Pune.

... Applicants

... **Versus** ...

1 The State of Maharashtra
Through Senior Police Inspector,
Police Station, Pundlik Nagar,
Tq. & Dist. Aurangabad

2 Bhagyashree Tushar Mane,
Age 33 yrs., Occ. Housewife,

R/o Plot No.10, Chaitanya Nagar
Housing Society, N-7, L-2, CIDCO,
Garkheda, Aurangabad.

... **Respondents**

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Mr. Anshuman Deshmukh, Advocate h/f Mr. B.S. Deshmukh, Advocate for
applicants

Mrs. R.P. Gour, APP for respondent No.1

Mr. Raviraj Wakale, Advocate (online) h/f Mr. Rahul Joshi, Advocate for
respondent No.2

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CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

RESERVED ON : 09th JULY, 2025

PRONOUNCED ON : 08th AUGUST, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashment of the proceedings in Regular Criminal Case No.290/2024 pending before learned Chief Judicial Magistrate, Aurangabad arising out of First Information Report vide Crime No.301/2023 dated 12.08.2023 registered with Police Station, Pundlik Nagar, Aurangabad, for the offence punishable under Sections 498-A, 323, 504, 506 read Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. Anshuman Deshmukh holding for learned Advocate Mr. B.S. Deshmukh for applicants, learned APP Mrs. R.P. Gour for respondent No.1 and learned Advocate Mr. Raviraj Wakale holding for learned Advocate Mr. Rahul Joshi for respondent No.2.

3 Learned Advocate for applicants submits that marriage between applicant No.1 and respondent No.2 had taken place on 24.03.2022. It was the second marriage of informant. She had taken divorce by mutual consent with her first husband and decree to that effect was passed on 15.01.2013. First Information Report wants to paint a picture that after marriage for about 1 to 1½ month she was treated properly and thereafter the dispute started. She has tried to contend that after some days she got the knowledge about ailment of husband when she got hospital documents. It is then stated by her that he was taking treatment from a psychologist. She came to know that he is not fit physically and mentally and all this information was suppressed by applicants at the time of marriage. Charge sheet contends the chats before marriage, wherein, there is specific chat stating that applicant No.1 is taking treatment. So with all the understanding she has performed the marriage, but, now wants to paint a picture that applicants had not disclosed the same before marriage. Though applicant Nos.4 and 5 who are sisters of husband are residing in Pune itself; yet they are happy with their

marital life and they are not interfering with the daily affairs in the house of parents and brother. The informant states that applicant No.3's birthday was on 15.05.2022 and they had celebrated the same, but applicant No.3 was of the opinion that informant has not brought any gift for her and, therefore, both the sisters-in-law and mother-in-law had raised dispute with her. According to informant, applicant No.3 was giving pinching words to her or giving insulting treatment. The allegations if at all seen, it can be considered that those are omnibus and intentionally picked. In August, 2022, she had gone to her parents home at Aurangabad for celebration of Rakshabandhan. There is no documentary evidence that her health was not proper, but then now she states that applicants had not taken her for medical treatment. Later on, she says that around Diwali the amount of Rs.15,00,000/- was demanded for purchase of flat. She states that she was driven out of the house on 11.06.2023. That means, a marital life lasted for not more than one year and three months. The statements of witnesses would show that they are the relatives and whatever they have stated is on the basis of information given by informant to them. With this evidence, it would be unjust to ask the applicants to face the trial.

submitted that all the detailed acts of harassment given by applicants to the informant have been stated in the complaint application, which was then presented to Police Commissioner, Aurangabad and which is the basis for First Information Report. The harassment was more physical and it is in the form of insult. Unnecessary blame was given and on trifle things also the insulting treatment has been given. The informant has stated that since it was her second marriage, she sustained the harassment, but expectations of applicants were too high. They were expecting gifts from informant. After sometime the husband started raising doubt over her character. He used to check her WhatsApp, Telegram, call history, E-bill etc. There was restriction on the informant to talk to other persons and there was total suppression of the information regarding illness of applicant No.1. It was not told to her that they will not have a child from applicant No.1. Certainly, this mental harassment was more than anything and the addition thereafter was made in Diwali when demand was made for Rs.15,00,000/- for purchase of flat. Thereafter also she was harassed mentally. It had affected her health and lastly she was driven out of the house. The ingredients of Section 498-A of the Indian Penal Code attracted and, therefore, let there be trial.

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The first and the foremost fact that is required to be considered is that the chats those were exchanged are part of the charge sheet. In the

said chat he has specifically stated about the tablets he was taking. When the said chat which appears to have been started from 13.01.2022 would have given idea to her that he is suffering from some illness and then there could have been direct dialogue as to what is the status of the health of applicant No.1 and that could have been ascertained before the marriage itself. Therefore, in spite of the said chats when the marriage was performed, now it cannot be said that the informant had no knowledge about the illness prior to the marriage. A picture has been tried to be painted by her that there is not consummation of marriage or applicant No.1 is not capable of doing sexual intercourse, but on the contrary, initially she states that she was treated properly for about 1 to 1½ month. She has not stated that within that period there were no sexual intercourses between them. As regards the other allegations against the other applicants are concerned, those are mainly against the mother-in-law and occasionally by both the sisters-in-law stating that they used to instigate. As regards the mental harassment is concerned, as per the *Explanation* (a) to Section 498-A of the Indian Penal Code “cruelty” means – any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; and as per *Explanation* (b) the “cruelty” means – harassment of the woman where such harassment is with a view to coercing her or any person related to her to

meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand. Therefore, either the case may come under *Explanation* (a) or *Explanation* (b) or in some cases it may be both. But such cruelty then should be of a grave nature. Now, except the statement of informant there is nothing in the charge sheet. The Investigating Officer has not even taken care to make inquiry with the neighbours of applicants regarding the treatment given by applicants to informant. Making annoying statements that informant was not wearing proper clothes, was not able to cook food properly, cannot be said to be acts of grave cruelty or harassment. Even it is stated in the First Information Report that when she told about the harassment given to her in the initial period, it was resolved by her father. She then states that she was treated properly for about 10-15 days thereafter. Then applicants started saying that she is not a suitable member in their family. All these allegations could have been resolved, but it appears that there is exaggeration. When already the applicants are residing in a flat and this fact was considered by informant at the time of marriage that there is a house to the husband, then why there would be a demand of Rs.15,00,000/-. Even if for the sake of argument it is accepted that such demand was made; yet in First Information Report it is then stated that applicant No.3 had then assaulted informant and told her that she will not behave properly with informant. Now, informant

states that she continued to bear the said treatment to her. When the relationship gets strained, it appears that exaggerations are made. When everything was disclosed prior to the marriage and allegations are omnibus or of not so grave for befitting in the concept of cruelty contemplated under Section 498-A of the Indian Penal Code, it would be an abuse of process of law if the applicants are asked to face the trial. Hence, following order.

ORDER

- i) Criminal Application stands allowed.
- ii) The proceedings in Regular Criminal Case No.290/2024 pending before learned Chief Judicial Magistrate, Aurangabad arising out of First Information Report vide Crime No.301/2023 dated 12.08.2023 registered with Police Station, Pundlik Nagar, Aurangabad, for the offence punishable under Sections 498-A, 323, 504, 506 read Section 34 of the Indian Penal Code, 1860, stands quashed and set aside as against applicants viz. 1) **Tushar Sampat Mane**, 2) **Sampat Dadu Mane**, 3) **Mrs. Surekha Sampat Mane**, 4) **Mrs. Nutan Dinkar Metkari** and 5) **Mrs. Tanuja Nilesh Shinde**.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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