



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1679 OF 2025

1. Nahushraj S/o Ashok Sonawane (Husband)
Age : 36 years, Occupation: Service,
R/o. Timber Garden Park,
C - 101, Off WEH, Diamond Industrial Area,
Dahisar (East), Mumbai - 400068.
2. Archishmati D/o Ashok Sonawane (Sister-in-law)
Age: 31 years, Occupation: Student,
R/o. Timber Garden Park,
C - 101, Off WEH, Diamond Industrial Area,
Dahisar (East), Mumbai - 400068.
3. Manaswita W/o Ashok Sonawane (Mother-in-law)
Age : 61 years, Occupation: Retired,
R/o. Timber Garden Park,
C - 101, Off WEH, Diamond Industrial Area,
Dahisar (East), Mumbai - 400068. Applicants

Versus

1. The State of Maharashtra,
Through Bhagyanagar Police Station
2. Mamata W/o Nahushraj Sonawane (Wife)
Age : 31 years, Occupation: Household,
Samvidhan Bhavan, White Bungalow,
Jagdish Colony, Village Taroda Budruk,
Near Pavak Hanuman Temple,
Nanded - Waghala,
Maharashtra - 431604. ... Respondents

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Mr. G. L. Deshpande, Advocate for Applicants.
Mr. D. J. Patil, APP for Respondent No.1 - State.
Mr. G. J. Karne, Advocate for Respondent No.2.

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 18th AUGUST 2026

JUDGMENT :

1. Rule. Rule made returnable forthwith. With the consent of the learned counsel appearing for the parties, the application is heard finally.

2. The application was originally instituted by three applicants. Applicant No.1 is husband of respondent No.2. Applicant No.2 is his sister and applicant No. 3 is his mother. This Court by order dated 19.01.2026 had permitted applicant No.1 to withdraw the application on his behalf. Accordingly, the application stood dismissed as against applicant No.1. The present adjudication is therefore confined to applicant Nos. 2 and 3 only. For convenience, they are referred to as “applicants” and respondent No.2 is referred to as “complainant”.

3. The applicants invoke inherent jurisdiction of this Court to quash the First Information Report bearing No.476 of 2023 registered on 15th December 2023 with Bhagyanagar Police Station, Nanded for offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code (for short, “IPC”).

4. During the pendency of application, the investigation culminated in charge-sheet bearing No. 126 of 2024, which came to be filed before the jurisdictional Magistrate on 18th June, 2024. The case was registered as Regular Criminal Case No. 861 of 2024 before the learned Judicial Magistrate First Class, Nanded and process was issued below Exhibit-1 by order dated 22nd July, 2024. As these amounted to subsequent developments, the applicants by way of an amendment to the present application challenge the charge-sheet, the order issuing process and entire consequential proceedings pending on the file of the Judicial Magistrate First Class, Nanded.

5. It is pertinent to note that there is no dispute in respect of the preliminary facts. The complainant married applicant No.1 on 12th January 2020, according to the Buddhist rites. After marriage, they resided at Mumbai. Applicant Nos.2 and 3 were also residing at Dahisar, at the said address shown in the papers. The matrimonial relationship subsequently deteriorated. According to complainant, she had left the matrimonial home in the early hours of 4th April, 2022 and thereafter resided with her parental family at Nanded. Applicant No.1 instituted a petition for divorce before the Family Court at Bandra on 25th July 2022. The said matrimonial proceeding was thereafter transferred to Nanded by

order dated 10th February, 2025 passed in Miscellaneous Civil Application No. 12 of 2024.

6. The sum and substance of FIR is that the complainant was treated well for a brief period after the marriage. Thereafter, it is alleged that the complainant's husband and applicant Nos. 2 and 3, i.e. present applicants, allegedly complained about inadequate dowry given by the parents of complainant at the time of marriage. There is also an allegation pertaining to collectively demanding money from the complainant's parents for purchase of a flat. At one place in the FIR, the demanded amount is referred to as Rs.21 lakhs, whereas in the later part of complaint and the statement of complainant refers to Rs.25 lakhs. It is alleged in general terms that all three accused deprived the complainant of food, abused her, beat her and subjected her to physical and mental harassment. The allegations specifically concerning consumption of alcohol, suspecting the complainant's character and being subjected to assault are principally directed against the husband of complainant.

7. Perusal of the FIR and the charge-sheet states that the first incident having any temporal particularity is alleged to have occurred during the night intervening 3rd and 4th April, 2022. The complainant states that she had gone out with her husband at

about 9.00 p.m. and that they returned at 1.00 a.m. in the midnight. It is alleged that after returning home, the complainant was subjected to abuse and physical assault by applicant Nos. 2 and 3. It is alleged that the ornaments of complainant were removed and she was driven out of the matrimonial house at about 2.30 a.m. in the midnight. The complainant therefore contacted her brother, who then took her along with him. The complainant thereafter returned to her parental house at Nanded on the next day and since then, has been living separately from the husband and the applicants.

8. The second incident is stated to have occurred in the background of proceedings before the Women's Help Cell at Nanded. The complainant approached that cell with her family. The husband and the present applicants attended a counselling session during the said proceedings. According to FIR, after the counselling session was over, the husband along with present applicants came to the complainant's parental house and abused and threatened her and refused to take the complainant back unless their demand of Rs.25 lakhs was met. The FIR alleges singular act against applicant No. 2 in relation to that episode by stating that applicant No.2 slapped and pushed the complainant. No specific physical act of assault is attributed to applicant No. 3.

9. On perusal of entire charge-sheet, it is important to make a reference at this juncture that there is a material variation about the date of this second episode. The FIR and the investigation papers refer to 6th December, 2023, while the supplementary statement mentions that the second incident took place on 29th November, 2023. This variation and discrepancy was also noted by the Investigating Officer. Therefore, on 7th June, 2024, the Investigating Officer addressed the communication to the Chief Judicial Magistrate, requesting that the complainant's statement under Section 164 of Cr.P.C. be recorded. The said request letter itself records that, due to the conflicting dates, there were severe difficulties faced by the investigation. The letter also records that the names of two extended relatives, i.e. Swati and Sharad, have also appeared in the application to the Women Cell, but they are not forming part of the FIR. Thus, the learned Chief Judicial Magistrate, upon the request of Investigating Officer, recorded the statement of complainant under Section 164 of Cr.P.C. on 10th June 2024. The complainant reiterated the broad allegations pertaining to the monetary demand of Rs.25 lakhs and in respect of physical and mental harassment. In the said statement, she also introduced two extended relatives and stated that all of them complained about inadequate dowry from the complainant. In respect of the

incident that took place on 4th April 2022, she repeated that the present applicants abused and beat her after she returned home with her husband. In relation to the episode that took place post the Women Cell proceedings of counselling, she stated that the event took place on 29th November 2023 and alleged that applicant No.2 had slapped and pushed her, while all the other accused persons abused her and repeatedly demanded the monies.

10. After the investigation was completed, the charge-sheet came to be filed. It is pertinent to note that the charge-sheet was filed immediately on 8th day after the statement under Section 164 of Cr.P.C. was recorded.

11. Perusal of the charge-sheet demonstrates that, apart from the complainant's version, the investigating agency recorded statements of her mother and close relatives including her younger brother and uncles. The statements repeat what was narrated to them about the matrimonial life of the complainant. The brother is referred to as having taken her away from Mumbai after the incident of April 2022. The material does not disclose that any of these witnesses personally witnessed the alleged course of conduct inside the matrimonial house. Thus, each of the witnesses are hearsay witnesses. Furthermore, there is no medical certificate

concerning either alleged assault forming part of the charge-sheet. No independent witnesses from the neighborhood, either from Mumbai or from the parental locality at Nanded are cited in support of the alleged assault or threats or demand. There is also no recovery from the present applicants and no independent documentary material connecting them with an unlawful demand. The charge-sheet retains in its final report offences under Sections 498-A, 323, 504 and 506 read with Section 34 of IPC. It further adds Section 109 of IPC. Upon perusal of the entire final report, it does not identify any act of instigation, conspiracy or intentional aid by either applicant, which is distinct from the very acts for which they are alleged to be principal offenders. The order dated 22nd July 2024 issuing process by referring to the police report, does not separately indicate any material by which the ingredients of each offence, more particularly the offence under Section 109 of IPC, are disclosed against each applicant.

12. The learned Advocate for the applicants argued that the husband is no longer before the Court, and therefore, the present application is a case of two female relatives, which requires independent assessment on its own material. He submits that the contents of the FIR employ a collective expression against all the family members without specifying which applicant made the

demand and on what date, in whose presence, in what words and what conduct followed the alleged refusal. The general allegation covering the period from the marriage until separation, according to the learned Advocate, cannot satisfy the requirements of the explanation to Section 498-A of IPC.

13. The learned Advocate further submits that only two incidents later supplied with dates are unreliable on the face of the prosecution papers. The episode of April 2022 was reported after more than 20 months without any supporting complaint or medical record. The second incident is assigned irreconcilable dates in the FIR and the subsequent statements. He relies upon the Investigating Officer's own application to submit that this is not a minor discrepancy discovered in cross-examination, but a defect which the prosecution itself found necessary to cure by procuring a statement of complainant under Section 164 of Cr.P.C. He also made reference to the electronic payment records relied upon by applicant No.2 for establishing her presence at Chhatrapati Sambhajinagar at about 9.00 p.m. on the relevant evening. It is urged that this objective circumstance materially reinforces the inherent improbability of the complainant's collective version. The learned Advocate thereafter referred to and relied upon the prior divorce petition filed on the ground of separation since April 2022.

He argued that the husband had instituted divorce proceedings in July 2022 and the criminal case was filed in December 2023. According to him, the chronology, successive improvements and the indiscriminate addition of family members clearly demonstrate that the criminal proceedings are being used as leverage in already pending matrimonial contest.

14. The learned Additional Public Prosecutor opposed the application and argued that, at the stage of considering an application under Section 482 of Cr.P.C., this Court is not required to conduct a mini-trial and has to exercise restraint while exercising inherent jurisdiction. He argued that the complainant has alleged continuing unlawful demands, physical and mental harassment, dispossession of her gold ornaments and expulsion from the matrimonial home after consistent demand of dowry at Nanded. The complainant has recorded her statement under Section 164 of Cr.P.C. and statement is sufficiently corroborated by the complainant's relatives. He submitted that the delay, according to prosecution, is attributable to the complainant's efforts to preserve the marriage and to the counselling before the Women's Help Cell. It is submitted that, the inconsistency concerning the date of Nanded incident is a matter for cross-examination and not a ground to terminate the prosecution.

15. The learned Advocate appearing for complainant while adopting the submissions made by the learned Additional Public Prosecutor, submits that applicants resided in the matrimonial home and are not distant relatives who have been casually named in the complaint. The complainant has specifically attributed the role of physical assault by applicant No. 2 and has further made specific allegations against both the applicants for assaulting her and removing her ornaments even in the first incident of April 2022. He argued that the divorce petition contains the husband's unilateral allegations, and they cannot be treated as established facts. The truth of the allegations and accusations, and the evidentiary worth of the related witnesses, are the issues that require to be considered and determined at the time of trial.

16. I have considered the rival submissions and have also gone through the amended application, copy of FIR and the entire charge-sheet, matrimonial petition, Investigating Officer's application dated 7th June 2024, and also the order issuing process of the Trial Court. Since applicant No.1 has withdrawn the application, I do not have to decide or express any opinion on the sustainability of the prosecution against him. The only question is whether compelling applicant Nos.2 and 3 to stand trial on the

material collected by the investigating agency would serve a legitimate prosecutorial purpose or would amount to abuse of process.

17. Before I proceed to decide the application on merits, it is necessary to address the issue pertaining to the parameters of the inherent jurisdiction under Section 482 of Cr.P.C.. It is a settled principle of law that, under the inherent jurisdiction, the High Court does not trace the probability of conviction, weigh the evidence as it is done at the time of trial, or choose between the competing versions. Equally, the filing of a charge-sheet does not compel the High Court to act as a silent spectator when the completed investigation, even though accepted at its highest, fails to disclose the legal ingredients of the alleged offences against a particular accused. This principle has been well-recognized in the case of *State of Haryana v. Bhajan Lal* reported in *1992 Supp (1) SCC 335*, wherein, among the other categories, cases in which the allegations, even if taken at face value, do not constitute an offence and the cases in which the allegations are so absurd and inherently improbable that no prudent person could proceed with the proceedings and also those proceedings which are manifestly attended with *mala fides* or instituted with vengeance, need to be interfered with by the Courts of law. Though I am cautious that the

categories mentioned in *Bhajan Lal's* case (supra) are illustrative, but the controlling consideration remains prevention of abuse and securing the ends of justice.

18. The offence under Section 498-A of IPC punishes the husband or his relative who subjects a woman to cruelty. The statutory explanation gives the expression a defined content. Under clause (a), the conduct must be wilful and 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 physical or mental health. Under clause (b), the harassment must be with a view to coerce the woman or a person related to her to meet an unlawful demand for property or valuable security or is on account of failure to meet that demand. Thus, every matrimonial discord, insult or unpleasant domestic exchange, without there being any statutory nexus and degree, cannot constitute the offence under Section 498-A of IPC.

19. It is also important to note that the Hon'ble Apex Court has repeatedly cautioned against the prosecution of relatives of the husband on omnibus assertions. It is laid down by the Hon'ble Supreme Court of India that, in absence of specific allegations indicating the active involvement of a relative, continuation of

prosecution on general allegations would amount to abuse of process. No doubt, the principle does not create immunity for a relative who has actually participated in cruelty to the wife. Therefore, the Courts are required to distinguish an accusation describing the conduct of an individual from general accusations made against the family as a group. In the case of ***Mahalakshmi and Ors. v. The State of Karnataka and Ors.***, reported in **2023 (16) SCALE 104**, the Hon'ble Supreme Court of India has not only examined the complaint but also the charge-sheet and after conducting thorough examination, quashed the proceedings against relatives where the assertions remained vague and general and the investigation did not yield material demonstrating their interference in the matrimonial life.

20. Applying these principles to the present case, the narrative of a demand of money is not specific or individualistic, but persistently collective. The entire FIR does not state which of the two applicants made the demand. It does not disclose any date or occasion on which the demand was raised, neither in whose presence. It does not disclose any distinct conduct attributable to the present applicants. On the contrary, the quantum of the amount itself keeps on changing in the investigation papers from Rs.21 lakhs to Rs.25 lakhs. A general common sentence that the

husband, his mother and his sister demanded money and harassed the complainant is repeated without supplying any of the above-referred missing particulars of individual participation.

21. The allegations of complainant of continuing course of harassment from the early months of marriage until separation in April 2022 are equally undifferentiated. Expressions such as, "they beat me", "they kept me without food", and "they threatened to kill me" are serious in ordinary speech. But while fastening criminal liability, they are personal. Neither the FIR nor the final report separates the conduct of applicant No.2 from that of applicant No. 3. There are no particulars of the date or frequency of such conduct, neither the description of any resulting injury is provided. Even after completion of investigation, these collective allegations do not get transformed into individualized material. The April 2022 episode is the first attempt to supply a particular occasion. Even there, the investigation papers state in one breath that applicant Nos.2 and 3 abused and beat the complainant and snatched her ornaments, but does not give any description of the individual part played by either of the applicants or the manner in which the assault was caused or whether any injury was suffered by the complainant. The allegation of the ornaments being taken by each of the applicants is neither proceeded further to demonstrate

as to what happened to those ornaments. Although the complainant's brother is stated to have taken her away shortly thereafter to his house and then, on the next day, to the parental house at Nanded, the record does not indicate that there was any complaint made at Mumbai or at Nanded. There is also no medical record of any kind of medical treatment provided to complainant. This incident of April 2022 was first incorporated into a criminal accusation only in the present FIR after 20 months of delay. It is true that delay by itself is not a rule of rejection in matrimonial offences. The submission of the learned APP has some substance that a woman may endure conduct for long with the hope of reconciliation and approach the law only after those efforts fail. I, therefore, do not treat the lapse of time as independently fatal. Its relevance in the present case is contextual. The parties have admittedly separated in April 2022 and the divorce proceedings were instituted in July 2022. Yet, there was no complaint, medical material or neutral account of the alleged forcible expulsion ever produced before initiating the present FIR in December 2023. When this chronology is taken into consideration along with the wholly collective form of the accusation, the delay becomes legitimately significant in assessing whether the prosecution has a *prima facie* foundation against the present applicants. The episode that took place in Nanded in the year 2023 also does not cure the

deficiency. In fact, the date of this incident is also not properly provided by the complainant. The formal FIR places it on 6th December 2023, while the supplementary statement of the complainant mentions it on 29th November 2023. Due to this discrepancy, the Investigating Officer had to take steps by approaching the Chief Judicial Magistrate for recording the statement of the complainant under Section 164, as the conflicting dates caused obstruction to the investigation. In the statement under Section 164 of Cr.P.C., the complainant adopted the date of the incident as 29th November 2023. While adopting the said date, the complainant also expanded the array of alleged participants by referring to two extended relatives who were not named in the FIR. The statement under Section 164 is an important investigative safeguard. But definitely, it is not a piece of substantive evidence, and therefore, it cannot erase the absence of essential particulars or convert a changing collective narrative into independent corroboration. At the stage of quashing, this Court is entitled to notice that the prosecution itself found uncertainty about the very date of the only later incident and that the completed investigation produced no independent circumstance resolving it.

22. This Court is also conscious of the allegations made against applicant No.2 in respect of slapping and pushing the

complainant during the Nanded episode. If that accusation stood in a stable narrative, which was supported by the investigation, it would not be permissible to discard it merely because the applicant-accused denies it. However, perusing the entire record, the act appears only as a short, later particular within a collective account whose date has been changed, whose participant list expands, and whose alleged occurrence at the complainant's parental house yields no independent witness or medical material. The electronic payment relied upon by applicant No.2 is not a piece of evidence, which can be accepted by this Court as conclusive proof of an *alibi*, as the same would require appreciation of evidence. Even without deciding that defence, the prosecution material itself does not provide a stable factual foundation for the isolated allegation.

23. As regards applicant No. 3, the accusations are still less specific. Apart from being included in the common demand and common assault, it is alleged to have stated that she had worked in Mantralaya, had criminal connections and could make the complainant disappear. It is to be noted that no date, place, exact context or person to whom this was communicated is stated in the FIR or in the statement under Section 164 of Cr.P.C. The entire investigation material does not show that the complainant was

thereby placed in alarm or compelled to do or omit an act. The assertion of the complainant is not sufficient by itself to disclose the ingredients of the offence of criminal intimidation.

24. The offence under Section 323 of IPC requires material showing voluntary causation of hurt. Section 504 requires an intentional insult coupled with the intention or knowledge that the provocation will cause a breach of peace or commission of another offence. Section 506 requires a threat within Section 503 which is made with intent to cause alarm or to compel the person threatened to act or abstain from acting. Perusal of the FIR and charge-sheet does not set out the words constituting insult, the intended provocation, the injury constituting hurt, or the manner in which a particular threat caused alarm. The mechanical use of the words 'abused', 'beat' and 'threatened' against all accused together does not substitute for the ingredients of these offences against each of the present applicants.

25. Even the offence under Section 34 of IPC does not create a substantive offence and cannot fill a void in the allegation of the principal act. The charge-sheet also adds an offence under Section 109 of IPC, but it does not state whether either applicant instigated another, engaged in a conspiracy pursuant to which an

act occurred, or intentionally aided the commission of a stated offence. The same persons are described simultaneously as principal actors and abettors without identifying the act abetted. A bare addition of Section 109 of IPC at the conclusion of investigation, unsupported by the factual elements of abetment under Section 107, cannot sustain the process.

26. The witnesses cited by the prosecution are not to be disbelieved merely because they are related to the complainant. Relationship is not a disqualification. The relevant point is different. Perusal of their statements do not disclose that they personally witnessed the alleged continuing cruelty within the matrimonial home, and they substantially reproduce what the complainant narrated to them. Such statements may explain complainant's subsequent conduct, but they do not supply the omitted dates, acts and individual roles necessary to prosecute applicant Nos. 2 and 3.

27. This Court also does not accept the applicants' invitation to treat the averments in the husband's divorce petition as established facts against the complainant. Those allegations remain to be adjudicated in the matrimonial proceeding. The divorce petition is relevant only for the purpose of the undisputed

chronology as the date on which the spouses had separated, a matrimonial proceeding had been instituted about seventeen months before the FIR, and that the criminal case followed after the dispute had become entrenched. No doubt, chronology alone would not justify quashing a genuine accusation, but it is a relevant surrounding circumstance that requires to be appreciated and taken into consideration when the accusation against relatives remains vague and undergoes material improvement.

28. Lastly, the submission of the learned Advocate for the applicants is that the order issuing process of the Trial Court is brief. It is a settled principle of law that Magistrate dealing with a police report is not required to write a judgment at the stage of taking cognizance. This Court, therefore, does not quash the proceeding merely because the order dated 22nd July 2024, by which the Trial Court has issued process against the accused persons does not contain elaborate reasons. However, the more fundamental defect is that the underlying Investigation Final Report, even when read as a whole and accepted at its highest, do not disclose with the necessary factual content the commission of the alleged offences by applicant Nos. 2 and 3. The order issuing process cannot preserve a prosecution whose factual foundation against these applicants is legally deficient. For these reasons, the

impugned order issuing process needs to be interfered with and set aside.

29. The aforesaid conclusions do not amount to adjudicating whether the complainant suffered matrimonial wrong at the hands of her husband. It does not decide the merits of the divorce proceeding and does not express any view on applicant No.1, whose application was withdrawn. Nor does it dilute the protection which Section 498-A was enacted to afford. The provision must be applied firmly where its ingredients are disclosed; its legitimacy is equally protected when criminal process is not permitted to continue against relatives on a generalized and unstable accusation.

30. On a cumulative consideration of the entire material, the case against applicant Nos. 2 and 3 does not disclose a specific or individually attributable accusation warranting a trial. The allegations against them remain broadly and collectively framed at every stage. The FIR attributes the demand for money and acts of harassment to all accused without identifying the role of each applicant, the manner of participation, or the circumstances in which any such demand was allegedly made. The incident dated 4th April, 2022 is also described in general terms, with both applicants

being implicated in abuse, assault and removal of ornaments, but without any clarity as to the individual acts attributed to each of them, the nature of the alleged assault, the injuries, or the specific articles allegedly taken. This incident, reported after a delay of more than twenty months, is not supported by any contemporaneous complaint, medical evidence or independent corroboration. The subsequent allegation relating to Nanded also fails to strengthen the prosecution case. The date of occurrence itself is inconsistent in the record, being stated as 6th December 2023 in the FIR and 29th November 2023 in the later version, a discrepancy which was considered significant enough by the Investigating Officer to be reported to the Chief Judicial Magistrate. The statement under Section 164, while adopting one of these dates, does not resolve the inconsistency and instead introduces additional relatives not named in the FIR, thereby expanding rather than clarifying the narrative. Even after completion of investigation, the record does not contain any independent witness, contemporaneous document, medical material, recovery or other objective evidence to establish a distinct and legally sustainable role of either applicant. The statements of relatives merely reiterate the complainant's version without adding material particulars of individual involvement. The deficiencies, therefore, are not limited to the FIR but continue

through the entire investigative process up to the charge-sheet. In this background, and having regard to the admitted matrimonial discord, separation in April 2022, institution of divorce proceedings in July 2022, and the criminal complaint lodged in December 2023, the allegations against the mother-in-law and sister-in-law appear to have been introduced in a generalized manner within an already strained matrimonial context. In these circumstances, continuation of proceedings against applicant Nos. 2 and 3 would not serve the purpose of testing a specific accusation at trial, but would amount to subjecting them to prosecution in absence of a clear, individualized and legally sustainable case.

31. The prosecution against applicant Nos. 2 and 3 thus falls within the first, fifth and seventh illustrative categories in *Bhajan Lal's* case (supra), the allegations read with the final report do not disclose the statutory ingredients against them individually; the cumulative narrative is rendered inherently improbable in its application to them; and continuation of the prosecution, in the circumstances revealed by the record, would operate as an instrument of pressure in a matrimonial dispute. Requiring them to face a criminal trial would not test a properly constituted accusation, but it would itself perpetuate the abuse which the inherent jurisdiction is required to prevent.

32. The application must, therefore, succeed to the extent of applicant Nos.2 and 3. All observations made herein are confined to examining the existence of a *prima facie* case against applicant Nos. 2 and 3 on the investigation material collected.

33. In the result, the following order is passed.

ORDER

(I) The Criminal Application stands allowed.

(II) The First Information Report No.476 of 2023 registered with Bhagyanagar Police Station, Nanded, for offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 and subsequently added offence in charge-sheet under Section 109 of the Indian Penal Code are quashed and set aside against applicant nos.2 and 3.

(III) Charge-sheet No.126 of 2024 dated 18th June 2024 and consequential proceedings of Regular Criminal Case No.861 of 2024 pending before the Learned Judicial Magistrate First Class, Nanded along with the order issuing process dated 22nd July 2024, and all consequential proceedings arising therefrom are quashed and set aside only in so far as applicant nos.2 and 3 are concerned.

(IV) The interim applications and interim reliefs, if any, stands disposed of. Prayer clause seeking action against the Investigating Officer is not granted, there being no material warranting such a direction in the present proceeding.

(v) Rule is made absolute in the above terms. There shall be no order as to costs.

(HITEN S. VENEGAVKAR)
JUDGE