

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 644 OF 2024

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| 1. | Kalpana Shahajirao Gawade,
aged 55 years, Occ. Housewife, |]
] | |
| 2. | Sujit Shahajirao Gawade,
aged 34 years, Occ. Service, |]
] | |
| 3. | Priyanka Sujit Gawade,
aged 33 years, Occ. Service,
all residing at H/46, Sector-3
Airoli, Navi Mumbai,
District Thane |]
]
]
]
] | |
| 4. | Shital Umesh Gore,
aged 36 years, Occ. Service,
residing at Village Gogaon,
Taluka Palus, Dist. Sangli |]
]
]
] | Petitioners |

V/s

- | | | | |
|----|---|----------------------------|-------------|
| 1. | The State of Maharashtra
(At the instance of Shahapur
Police Station, Kolhapur) |]
]
] | |
| 2. | Rupali Amit Gawade,
aged 36 years, occ. housewife
presently residing at 24/744
Solage Mala, Shahapur,
Ichalkaranji, Tal. Hatkanangale
District Kolhapur. |]
]
]
]
]
] | Respondents |

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Mr. Omkar Nagwekar i/b Mr. Amit Ghag, Advocate for Petitioners.
Mr. Pankaj P. Deokar, A.P.P., for Respondent No.1 – State.
None for Respondent No.2.
Mr. Santosh Vishwas Kamble, Police Head Constable, Buckle No. 1047,
Shahapur Police Station, Ichalkaranji, present.

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CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 08, 2026

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith and heard finally with the consent of the learned Advocate for the Petitioners and the learned A.P.P., for Respondent No.1 – State.
2. Despite service, none appears for Respondent No.2.
3. The learned Advocate for the Petitioners submits that, during the pendency of the Petition, a charge-sheet has been filed before the learned Trial Court. Accordingly, he seeks leave to amend the Petition and the prayer clause pursuant to the charge-sheet filed before the learned Judicial Magistrate First Class, Ichalkaranji.
4. Leave is granted, as prayed. The amendment is to be carried out forthwith.
5. The Petitioners have filed this Petition seeking quashing of the First Information Report bearing C.R. No.0228 of 2023, (for short, “**F.I.R.**”) registered on 25th June 2023 with Shahapur Police Station, District Kolhapur, for the offences punishable under Sections 498-A, 325, 323, 504 and 506

read with Section 34 of the Indian Penal Code, 1860 (for short, “*I.P.C.*”), as well as Regular Criminal Case No. 216 of 2024, pending before the learned Judicial Magistrate First Class, Ichalkaranji. (for short, the ‘*learned Magistrate*’).

6. It is pertinent to note that, during the course of hearing, the learned Advocate appearing for the Petitioners, on instructions, seeks leave to withdraw the present Petition insofar as Petitioner No.1 – Kalpana Shahajirao Gawade, who is the mother-in-law of Respondent No.2, is concerned. The statement made by the learned Advocate is accepted.

7. In view of the statement made by the learned Advocate for the Petitioners, *the Petition stands dismissed as withdrawn insofar as Petitioner No.1 is concerned*. The Petition, however, survives insofar as Petitioner Nos. 2 to 4 are concerned.

The facts of the case, in a nutshell, are as under.

8. The marriage of Respondent No.2 with accused Amit was solemnised on 21st November 2017. Petitioner No.1 is the mother-in-law, Petitioner No.2 is the brother-in-law, Petitioner No.3 is the wife of Petitioner No.2, and Petitioner No.4 is the sister-in-law of Respondent No.2. Respondent No.2 resided with accused Amit until 2023.

9. On 25th June 2023, Respondent No.2 lodged the F.I.R. against the Petitioners and her husband, Amit, alleging that they used to taunt her by

stating that her parents had not given enough dowry in the marriage. They were treating her like a maid. They used to make derogatory remarks about Respondent No.2's diminutive or Lilliputian stature and comment on the food she prepared. It is further alleged that the Petitioners and her husband, Amit, used to pick quarrels with her over trivial issues. It is also alleged that she was taunted because her parents had not shown due respect and honour to the Petitioners and her husband at the time of marriage. She was subjected to taunts on the ground that she was unable to conceive a child. They did not give her nutritious food. They demanded Rs.50 lakhs from her parents for a real estate business; on non-fulfilment of the demand, her husband beat her with his hands, hit her with a brass rod, caused injury to her finger, abused her and drove her out of the house. Based on the report lodged by Respondent No.2, the offence was registered on 25th June 2023.

10. The learned Advocate for the Petitioners and the learned A.P.P. submitted that, during the pendency of the present Petition, the Investigating Officer completed the investigation and filed the charge-sheet before the learned Judicial Magistrate First Class, Ichalkaranji. The said charge-sheet has been registered as Regular Criminal Case No.216 of 2024 and is presently pending before the learned Magistrate.

11. The learned Advocate for the Petitioners vehemently submitted that the allegations levelled against Petitioner Nos.2 to 4 are vague, omnibus

and general in nature, and that no specific role has been attributed to them in the F.I.R. It is contended that Respondent No.2 has falsely implicated Petitioner Nos.2 to 4 in the crime with an ulterior motive to pressurise them and accused Amit. According to the learned Advocate, the allegations are reckless and motivated and do not disclose the commission of any offence by Petitioner Nos.2 to 4. He therefore urged that the F.I.R. and Regular Criminal Case No. 216 of 2024 be quashed and set aside insofar as Petitioner Nos.2 to 4 are concerned.

12. *Per contra*, the learned A.P.P. strongly opposed the Petition, contending that the allegations in the F.I.R., *prima facie*, attract the offence punishable under Section 498-A of the I.P.C. against the Petitioners. He submitted that the Petitioners have levelled specific allegations against Respondent No.2, alleging that they taunted her on various grounds and picked quarrels with her over trivial issues. According to the learned A.P.P., the allegations in the F.I.R. are sufficient to attract the ingredients of Section 498-A of the I.P.C. He, therefore, urged for dismissal of the Petition.

13. Having heard the rival contentions of the parties and having gone through the record, at the outset, *prima facie*, it appears that there are no specific allegations against Petitioner Nos.2 to 4 in the F.I.R. or the charge-sheet so as to constitute the ingredients of the offence punishable under Section 498-A of the I.P.C. The allegations in the F.I.R. are vague, omnibus

and general in nature. Therefore, *prima facie*, I do not find substance in the learned A.P.P.'s submission in that regard. Even assuming that the allegations made in the F.I.R. and the charge-sheet against Petitioner Nos.2 to 4 are taken at their face value and accepted as they stand, they, *prima facie*, do not constitute the ingredients of the offence punishable under Section 498-A of the I.P.C. In the facts and circumstances of the present case, such allegations cannot be termed “*cruelty*” within the meaning of Section 498-A of the I.P.C.

14. Moreover, Respondent No.2 has not stated the time, date, place or manner in which the alleged harassment was caused to her by Petitioner Nos.2 to 4. The F.I.R. and the entire charge-sheet fail to disclose the commission of the offence punishable under Section 498-A of the I.P.C. by Petitioner Nos.2 to 4.

15. Besides, the Hon’ble Supreme Court, in a catena of judgments, including;

*(i) Geeta Mehrotra and another versus State of U.P. and another*¹,

(ii) Kahkashan Kausar alias Sonam and others versus State of Bihar and others,² and

iii) Dara Lakshmi Narayana & others versus State of Telangana & Another,³

after considering various aspects of matrimonial disputes, has held that allegations of harassment against the close relatives of the husband, particularly those residing in different cities and who had never visited, or

¹ 2012 (10) SCC 741

² (2022) 6 SCC 599

³ 2024 SCC OnLine SC 3682

had rarely visited, the place where the complainant resided, require entirely different consideration. In such circumstances, the allegations made by the complainant must be scrutinised with greater care and circumspection to ascertain whether they disclose the commission of any offence.

16. In the light of the above discussion and the law laid down by the Hon'ble Supreme Court, in my view, it would not be appropriate to continue the proceedings against Petitioners Nos.2 to 4 before the learned Trial Court. Continuation of the proceedings against them would amount to an abuse of the process of law and would not serve the ends of justice. Therefore, this is a fit case to exercise this Court's inherent powers to quash the F.I.R. and the proceedings pending against Petitioner Nos.2 to 4 before the learned Trial Court in R.C.C. No.216 of 2024.

17. As a result, *the Petition is partly allowed in terms of prayer clauses (a) and (a-1), to the extent of Petitioner Nos.2 to 4 only and dismissed against Petitioner No.1.*

18. *Accordingly, the F.I.R. bearing C.R. No.0228 of 2023, registered with Shahapur Police Station, District Kolhapur, on 25th June 2023, for the offences punishable under Sections 498-A, 325, 323, 504 and 506 read with Section 34 of the I.P.C., and R.C.C. No. 216 of 2024, pending before the learned Judicial Magistrate First Class, Ichalkaranji, are hereby quashed and set aside insofar as the Petitioners, Nos.2 to 4 i.e. Accused Nos.3 to 5, are concerned.*

19. The Rule is partly made absolute in the above terms. No order as to costs.
20. Inform the concerned Court accordingly.
21. **The Petition stands disposed of in the above terms.**

(ABHAY J. MANTRI, J.)