



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

CRIMINAL APPLICATION (APL) NO. 304 OF 2022

1. Vishwajeet S/o Narayan Rane,
(wrongly mention in FIR as “Vishwanath”)
age 30 years, Occ. Service
2. Meera W/o Narayan Rane,
Age 58 years, Occ. Household
3. Abhijeet S/o Narayan Rane,
Age 34 years, Occ. NIL
4. Aarti W/o Abhijeet Rane
Age 24 years, Occ. Housewife,
All R/o Plot No. 36, Durga Nagar, Behind
Manewada Post Office, Nagpur.
5. Sanjay S/o Sadashivrao Solanke,
Aged 58 years, Occ. Retired
R/o Mowad, Tq. Narkhed, Dist. Nagpur
6. Sunita W/o Amarsingh Malve,
(Wrongly mention in F.I.R. as “Neeta”)
Aged 56 years, Occ. Household
R/o Kavarnagar, Murtizapur Road, Akola
7. Ashok S/o Narayan Solanke,
Age 62 years, Occ. Service,
R/o Gorewada, Nagpur
8. Ranjeet Mahadeo Solanke,
Aged 40 Years, Occ. Service
R/o Kavarnagar, Murtizapur Road, Akola.
9. Nirmala Ashok Solanke,
Age 60 years, Occ. Household
R/o Gorewada, Nagpur
10. Ambarsingh S/o Gulabrao Malve
Aged 60 years, Occ. Retired

R/o Kavarnagar, Murtizapur Road,
Akola

11. Nandini D/o Sanjay Solanke,
Age 23 years, Occ. Student,
R/o Mowad, Tq. Narkhed, Dist. Nagpur
12. Subhash Fulsingh Khanande,
Age 60 years, Occ. Agriculturist
R/o Jamgaon, Tq. Nandgaon, Khandeshwar,
Dist. Amravati

...Applicants

// VERSUS //

1. State of Maharashtra,
through P.S.O. Anjangaon,
Amravati (Rural), Dist. Amravati
2. Tejaswini W/o Vishwajeet Rane,
Aged 23 years, Occ. Household,
R/o Plot No. 36, Durga Nagar, Mahesh
Nagar, Anjangaon Surji, Amravati (Rural),
Dist. Amravati

... Non-applicants

Shri S.S.Dhengale, Advocate for the applicants.

Shri Nikhil Joshi, APP for the non-applicant no.1.

Shri A.P.Takare, Advocate for the non-applicant no. 2.

**CORAM : SMT. VIBHA KANKANWADI, AND
MRS. VRUSHALI V. JOSHI, JJ.**

Reserved on : 20th JUNE, 2024.

Pronounced on : 28th JUNE, 2024.

ORAL JUDGMENT : [PER : SMT. VIBHA KANKANWADI, J.]

Rule. Rule made returnable forthwith. Heard finally by
consent of the parties.

2. The present application has been filed invoking inherent powers of this Court under Section 482 of the Code of Criminal Procedure for quashing First Information Report (FIR) No. 678 of 2021 dated 2nd October, 2021 registered at the behest of non-applicant no.2 with Anjangaon Surji Police Station, Rural Amravati, District Amravati for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code.

3. Heard Shri S.S.Dhengale, learned advocate for the applicants, Shri Nikhil Joshi, learned Additional Public Prosecutor for the non-applicant no.1 and Shri A.P.Thakare, learned advocate for the non-applicant no.2.

4. Before we proceed it has to be placed on record that in view of the order passed by this Court on 6th April, 2022, the application stood disposed of as withdrawn in respect of the applicant nos. 1 and 2, who are the husband and mother-in-law of non-applicant no.2.

5. The marriage between the non-applicant no.2 and applicant no.1 had taken place on 5th April, 2021. The applicant no.3 is the real brother of the husband of the non-applicant no.2. The applicant no.4 is the wife of the applicant no.3. Applicant nos. 5, 6, 7, 8 are the relative of mother-in-law of non-applicant no.2. The applicant no.10 is the husband of applicant no.6. Applicant no.11 is the daughter of the applicant no.5. Applicant no.12 is also the distant relative of the husband of non-applicant no.2.

6. Learned advocate for the applicants submits that as against the applicant nos. 3 to 12 the First Information Report does not disclose a particular act. Omnibus allegations are made against all these persons and they are residing at different places but such are the statements intentional so to say that said act on the part of these persons would amount to cruelty. He relies on Mahalaxshmi V. State of Karnataka reported in AIR ONLINE 2023 SC 1132 wherein the sisters who are residing at distant place were roped and therefore, the Hon'ble Supreme Court quashed and set aside the proceedings against them. Similarly, in Preeti Gupta and another Vs. State of Jharkhand and another reported in AIR 2010 SCC 3363, it was noted that First Information Report are against the distant relatives which was quashed and set aside.

7. Learned advocate for the applicants points out the pursis and documents along with the pursis stating that the non-applicant no.2 has entered into an agreement on 10th August, 2023 showing that she has married to one Mahesh Harde, even the photographs have been produced.

8. Learned APP as well as learned advocate for the non-applicant no.2 are relying upon the affidavit-in-reply and take strong opposition for the quashment of the First Information Report and the chargesheet. They contend that the evidence collected would show that the applicants have committed offence and therefore, they should stand the trial. The subsequent events, if any, will not absolve them from their liability.

9. At the outset, we would like to say that for the subsequent events, that is, in the form of alleged marriage of non-applicant no.2 for which some evidence tried to be brought on record, it cannot be considered as the offence was already registered and investigated prior to that date.

10. Perusal of the First Information Report would show that the allegations are mainly against the applicant nos. 1 and 2. Infact the marriage had taken place on 4th May, 2021 and the First Information Report is lodged on 2nd October, 2021. Applicant no.1 was admittedly working at Bijapur in Karnataka and it appears that after 24th September, 2021 she never came in contact with the applicants. Applicant nos. 2 to 12 are residing at different places and it is hard to believe that for so many months they would have been residing at the matrimonial home at Manewada Road, Nagpur. Though, it is stated that brother-in-law, uncles and others rushed the persons of non-applicant no.2 on certain occasions or dates it cannot be said as an act of continuous cruelty. Act of one day is not covered under Section 498-A of Indian Penal Code and further for individual acts there could not have been a cognizable offence taken into consideration the contents of the First Information Report. Time and again this Court as well as Hon'ble Supreme Court and various High Courts have already categorically observed that there is a trend to rope even the distant relatives of the husband. The facts in the present matter would show that the non-applicant no.2 had hardly resided in her matrimonial home at Manewada. We, therefore, take that the evidence collected against the non-applicant nos. 3 to 12 is not sufficient to invoke

the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code. Hence, the application now deserves to be allowed. We therefore proceed to pass the following order.

i. The application stands allowed in respect of the applicant nos. 3 Abhijeet S/o Narayan Rane, applicant no.4. Aarti W/o Abhijeet Rane, applicant no.5 Sanjay S/o Sadashivrao Solanke, applicant no.6 Sunita W/o Amarsingh Malve, applicant no.7 Ashok S/o Narayan Solanke, applicant no.8 Ranjeet Mahadeo Solanke, applicant no.9 Nirmala Ashok Solanke, applicant no.10 Ambarsingh S/o Gulabrao Malve, applicant no.11 Nandini D/o Sanjay Solanke and applicant no.12- Subhash Fulsingh Khanande;

ii. Regular Criminal Case No. 259 of 2021 pending before the learned Judicial Magistrate First Class, Anjangaon Suraji, Dist. Amravati for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code arising out of First Information Report No. 678 of 2021 dated 2nd October, 2021 registered with Police Station Anjangaon Surji, Amravati Rural, Dist. Amravati stands quashed and set aside as against those applicants;

iii. It is clarified once again that application stood disposed of in respect of applicant no.1 Vishwajeet S/o Narayan Rane and applicant no.2 Meera W/o Narayan Rane vide order dated 6th April, 2022 passed by this Court.

[MRS. VRUSHALI V. JOSHI, J.] [SMT. VIBHA KANKANWADI, J.]