



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

915 CRIMINAL APPLICATION NO. 88 OF 2023

JAYASHRI UMESH PATIL AND OTHERS

VERSUS

UMESH RAMESH PATIL

...

Advocate for Applicants : Mr. Savale Amit S.

Advocate for Respondent : Mr. Mohd. Aamir h/f Mr. Harshal Prakash
Randhir

...

CORAM : KISHORE C. SANT, J.

DATE : 17.07.2025.

PER COURT :

1. Heard the parties. Taken for final disposal by consent, at the stage of admission.

2. By way of this application the wife and her relatives have approached this Court seeking quashment of complaint filed by the husband in the Court of learned Judicial Magistrate First Class, Erandol, District Jalgaon, bearing RCC No. 139 of 2020. The husband has lodged a complaint under Section 452, 323, 325 427, 504 and 506 r/w 34 of the Indian Penal Code against wife and her relatives. Learned trial judge by order dated 11.02.2021 was pleased to reject the prayer under Section 156 (3) of the Code of Criminal

Procedure, 1973, however, the husband was directed to lead evidence under Section 200 of the Cr.P.C. On verification, the learned J.M.F.C. issued process under Section 204 of the Code of Criminal Procedure for the offence punishable under Sections 452, 323, 325 427, 504 and 506 r/w 34 of the I.P.C. The applicants herein have therefore, approached this Court for quashing of the issuing of the process.

3. Learned Advocate Mr. Savale for the applicants vehemently submits that the complaint is an out come of the proceedings pending before the trial Court. The husband had filed divorce proceeding on the ground of cruelty and the wife has filed a petition for Conjugal rights, which came to be dismissed. It is submitted that prior to the filing of the proceedings many attempts were made to re-unite the family. The wife and her relatives had been to the house of the husband and on that the complaint was filed. He submits that in fact in the application no allegations are specifically made against any of the applicants and all the allegations are vague and omnibus. He submits that the present proceeding deserves to be quashed by allowing application.

4. Learned Advocate for the respondents vehemently argued that the wife has clearly admitted in her own complaint that she had

been to the house of the husband alongwith her relatives on the date of incident i.e. on 22.09.2019. This itself shows that the incident had taken place. He had taken this Court to the statement given by the wife to Kasoda Police on 26.05.2022. Learned Advocate thus, submits that a case is clearly made out to proceed against the accused persons. Learned Magistrate prior to the issuance of the process has verified all things and only upon satisfaction has issued process. Therefore, no interference is called for.

5. This Court has gone through the complaint. It does appear that there is some material against the present applicant Nos. 1 to 4. However, as against applicant Nos. 5 to 9 there are no allegations. Applicant No. 1 is wife of the informant, Nos. 2 and 3 are the parents of the wife and No. 4 is brother of the wife.

6. There are allegations that applicant No. 1, that she had beaten the mother of the husband. Applicant No. 2 abused the father of the husband and also gave fist blows. Against applicant No. 3 serious allegations are there. Applicant No. 4 has abused the husband and also assaulted by fist and blows. Thus, it is seen that there are some allegations against application Nos. 1 to 4. However, as against applicant Nos. 5 to 9 there are vague and omnibus allegations. Applicant Nos. 1 to 4 have abused the parents of the

husband and damaged the household articles in the house of the husband. Therefore, this Court holds that the proceedings against present applicant Nos. 5 to 9 will be an abuse of process of law and therefore, deserves to be dismissed against them.

7. Criminal proceeding bearing RCC No. 75 of 2022 pending before the learned J.M.F.C. Erandol stands quashed and set aside against present applicant Nos. 5 to 9.

8. The case to proceed only against applicant Nos. 1 to 4.

9. With this the Criminal application stands disposed off.

(KISHORE C. SANT)
JUDGE

mahajansb/