



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 218 OF 2025

(1) Abaji Santosh Patil
Age:45 years, Occu: Jr. Clerk
R/o Anurag State Bank Colony,
Mahabad, Jalgaon

(2) Vaishali Abaji Patil,
Age 41 years, Occu: Nil
R/o As above

... Petitioners

Versus

(1) The State of Maharashtra,
Through Investigating Officer,
Devpur Police Station, Dist. Dhule

(2) Bhagyashree w/o Virendra Chavan
Age 32 years, Occu: Nil
R/o Vidyanagar, Near Swami Samarth Mandir
Deopur, Tq. & Dist. Dhule

... Respondents

Ramraje Deshmukh h/for Mr. Mr. Shambhuraje V. Deshmukh, Advocate
for the petitioners

Mr. V. M. Jaware, APP for Respondent No.1 State

Mr. Amol S. Sawant, Advocate for Respondent No.2

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CORAM : SANDIPKUMAR C. MORE &
Y. G. KHOBRAGADE, JJ.

DATE : 6th November, 2025

ORDER :

1. Heard rival submissions.
2. By way of this petition, the petitioners, who are brother in-law and sister of one Virendra Chavan i.e. husband of Respondent No.2 wife are seeking quashment of FIR bearing Crime No.0283/2024 registered with Devpur Police Station Tq. & Dist. Dhule for the offences punishable

under sections 498-A, 506, 504, 323 read with Section 34 of the Indian Penal Code alongwith criminal proceeding arising out of the same, bearing R.C.C. No. 176 of 2025 and the order of issuance of process dated 04.03.2025, passed therein by the concerned Judicial Magistrate First Class, Dhule.

3. Learned counsel for the petitioners submits that though Respondent No.2 has made allegations about the ill-treatment at the hands of these petitioners, on going through the FIR, it appears that the allegations are mainly against her husband, who is not the petitioner in this petition. On the contrary, whatever allegations are made against these petitioners are of general nature and vague, without mentioning any particulars regarding date and time of alleged ill-treatment. He further submitted that marriage of Respondent No.2- Bhagyashree and her husband Virendra was solemnized in the year 2014, however, prior to that, Petitioner No.1 was selected as Junior Clerk in Civil Court, Junior Division and got appointed at Nagpur from 22.10.2010 to till 16.11.2024. Thereafter, from 2014 to 2019, he was posted in the Court of Civil Judge, Junior Division, Yerandol, Dist. Jalgaon as Junior Clerk. Thereafter, from 2019 till date, he is working in the Court of Civil Judge Junior Division, Jalgaon. According to the learned counsel for the petitioners, during these periods, Petitioner No.2 was also residing with Petitioner no.1 and they stayed in the rental premises. Thus, he pointed out that allegations of Respondent No.2 wife that the petitioners were residing with her jointly is apparently incorrect. He

further pointed out that even the husband of Respondent No.2 wife was working in Lenovo Store at Nashik from 2014 to 2016. From 2016 to 2020 he was working in Reliance Jio at Kolhapur and thereafter, in 2021, he was transferred to Islampur. According to the learned counsel for the petitioners, even the NC complaint dated 31.05.2024, lodged by Respondent No.2, does not make any reference to the alleged ill-treatment at the hands of these petitioners. On the contrary, entire allegations in the said complaint are against the husband only.

4. Per contra, the learned counsel for Respondent No.2 strongly opposed the submissions made on behalf of the petitioners. According to him, the address of the petitioners mentioned in the petition itself indicates that they are residing jointly with husband and in-laws of Respondent No.2. Further, he referred the allegations in the FIR, wherein, there are direct allegations against the present petitioners, since they were harassing Respondent No.2 on account of not getting proper treatment in the marriage of Respondent No.2 and her husband. Further, there are allegations against them that they used to instigate husband and in-laws of Respondent No.2 against her. Thus, he prayed for dismissal of the petition.

5. With the able assistance of learned counsel for the petitioners as well as Respondent no.2, we have gone through the material on record alongwith FIR and charge-sheet.

6. Admittedly, there are documents showing that Petitioner No.1, since 2010 till today, is working as Junior Clerk in Civil Courts at

Nagpur, Erandol and Jalgaon. Further, there are also copies on record about payment of rent through PhonePay App made by Petitioner No.1 to the concerned landlords. Thus, prima facie, it appears that the petitioners were not residing with Respondent No.2 and her husband, jointly. Further, the documents in respect of service of husband of Respondent No.2 also indicate that Respondent No.2 was also residing with her husband at various places such as Nashik, Kolhapur and Islampur. Therefore, it is difficult to infer that the petitioners were ill-treating Respondent No.2 as claimed in the FIR. Even in the statements of parents of Respondent No.2, in the charge sheet, there were allegations against the husband of Respondent No.2. Though there are certain allegations made against the present petitioners by Respondent No.2, but those appear to be vague in nature and there are no particulars in respect of date and time as to when such ill-treatment was caused to Respondent No.2 wife.

7. It is to be noted that the Hon'ble Apex Court, in many judgments, has observed that in cases under Section 498-A of the Indian Penal Code, there is tendency of roping distant relatives of husband who in fact reside separately. In the case of **State of Haryana Vs. Bhajan Lal and others reported in AIR 1992 SC 604**, certain criteria/guidelines are given as to in what circumstances, FIR and criminal proceedings arising out of the same are to be quashed.

8. In the instant case, even if the FIR is taken as proved, then also, the cruelty as contemplated under section 498-A of Indian Penal

Code cannot be established against the present petitioners since the main allegations are against the husband and in-laws of Respondent No.2. There are general allegations without necessary particulars against the present petitioners who appear to be residing separately from the husband of Respondent No.2. In such circumstances, continuing the present proceeding against the petitioners would be abuse of process of law. Under such circumstance and considering the vague allegations against the present petitioners in the instant case, we deem it appropriate to quash the FIR alongwith criminal proceeding arising out of the same and the order of issuance of process dated 04.03.2025, passed therein by the concerned Judicial Magistrate First Class, Dhule against the present petitioners.

9. In view of the above, the Petition is hereby allowed.

10. FIR bearing Crime No.0283/2024 registered with Devpur Police Station Tq. & Dist. Dhule for the offences punishable under sections 498-A, 506, 504, 323 read with Section 34 of the Indian Penal Code alongwith criminal proceeding arising out of the same, bearing R.C.C. No. 176 of 2025 and the order of issuance of process dated 04.03.2025 passed therein by the concerned Judicial Magistrate First Class, Dhule are hereby quashed and set aside to the extent of present petitioners.

(Y. G. KHOBRAGADE, J.)

(SANDIPKUMAR C. MORE J.)