



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.947 OF 2025

Kunal S/o Ashok Vyas,
(Husband),
Age-35 years, Occu:Student,
R/o-Balaji Nagar, Near Gurudwara,
Vadgaonsheri, Pune,
Taluka and District-Pune.

...APPLICANT

VERSUS

- 1) The State of Maharashtra,
- 2) Dhanashri W/o Kunal Vyas,
Age-30, Occu:Deputy Manager,
R/o-Balaji Plaza, Second Floor,
Balaji Peth, Jalgaon,
Taluka and District-Jalgaon.

...RESPONDENTS

...
Mr. N.R. Shaikh Advocate for Applicant.
Mr. N.R. Dayama, A.P.P. for Respondent No.1.
...

**CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE : 19th MARCH, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed for quashing the proceedings in R.C.C. No. 622 of 2024, pending before the

learned Chief Judicial Magistrate, Jalgaon, arising out of the First Information Report (for short "the FIR") vide Crime No. 179 of 2023, registered with Shanipeth Police Station, Jalgaon, District-Jalgaon on 24th September 2023, for the offence punishable under Sections 498-A, 323, 504, 506, 507 read with Section 34 of the Indian Penal Code.

2. Heard learned Advocate for the applicant and learned APP for respondent No.1. There is no necessity to issue notice to respondent No.2.

3. It will not be out of place to mention here that the applicant had earlier preferred Criminal Application No.3962 of 2023 for quashment of the FIR and the proceedings. His Application was along with his mother and sister. Applicant No.1 therein i.e. present applicant – husband had withdrawn his Application by order dated 18th December 2023 and matter proceeded for applicant Nos.2 and 3 therein. Then by order dated 10th December 2024, the Application for applicant Nos.2 and 3 i.e. mother and sister came to be allowed.

4. Now, once again the applicant has filed the present Application and the learned Advocate for the applicant is relying

upon this Court's observations in Paragraph No.6 of the Judgment and order passed in Criminal Application No.3962 of 2023 and says that this Court had observed that the allegations in the FIR in respect to the demand of bus fare and gift articles are made only because applicant No.1 does not wish to cohabit with respondent No.2. We would like to say that the applicant husband himself had withdrawn his Application when even at that time also the entire charge-sheet was before this Court. Now the applicant cannot re-agitate only on the basis of some observations by this Court. The allegations are not only in respect of demand of bus fare and gift articles but the informant has also stated that the husband used to raise suspicion over her character. She was employed with the Bank and therefore, whenever she used to receive the phone call, applicant used to insist that she should speak on the phone by putting the phone on speaker. Therefore, it is not only the mental cruelty but the physical harassment that was tried to be contended.

5. Learned Advocate for the applicant relies on ***Dara Lakshmi Narayana and others vs. State of Telangana and another, Criminal Appeal No.5199 of 2024 (Arising out of Special Leave Petition (Criminal) No.16239 of 2024)***, decided by the Hon'ble Supreme Court on 10th December 2024, wherein, when specific

details were not provided in respect of any particular incident of harassment, it was held that the FIR lacks concrete and precise allegations and therefore, such proceedings needs to be quashed and set aside. Similarly, in *Udai Shankar Awasthi vs. State of U.P., 2013(2) SCC 435*, it has been held that in a case of wrongful act the causes and injury which is complete, there is no continuing wrong even though the damage may be continuing and the limitation starts from the last act of cruelty. The legal position cannot be disputed. However, the said legal position was available to the applicant even in the earlier round of litigation, but by his own act of withdrawing the Application, now the applicant is estopped from contending it once again and therefore, this is not a fit case to exercise our powers under Section 482 of the Code of Criminal Procedure.

6. The Criminal Application stands rejected.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/APR25