



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

CRIMINAL APPLICATION NO. 1151 OF 2023

- 1] Rushikesh s/o Rajendra Naikwade
Age: 22 years, occu. Private Job,
R/o. Dhangar Galli, Shevgaon,
Ahmednagar
(Cousin brother of husband of the complainant)
- 2] Rajendra s/o Dashrath Naikwade
Age: 47 years, occu. Private Job,
R/o. Dhangar Galli, Shevgaon,
Ahmednagar
(Maternal uncle of husband of the complainant)
- 3] Ushabai w/o. Ashok Gore
Age: 71 years, Occu. Household
R/o. Eknath Gore House no.16,
Hamal Galli, Tq. Paithan,
Dist. Aurangabad.
(maternal aunt of husband of the Complainant)
- 4] Krishna s/o Ashok Gore,
Age: 38 years, occu. Service,
R/o. Hamal Galli, Tq. Paithan,
Dist. Aurangabad.
(Cousin brother of husband of the Complainant)
- 5] Abhijit s/o Babasaheb Jadhav,
Age: 27 years, Occu. Private Job/Education,
R/o. Flat No. 302, Kate Wasti Road, Punawala,
Pimpri Chinchwad
(Brother-in-law of the complainant)
- 6] Bharti w/o. Babasaheb Jadhav,
Age: 52 years, Occu. Government Job
R/o. Flat No. 104, Shivam Colony,
Anand Vihar near Ganesh Colony

Savedi Ahmednagar.
(Mother-in-law of the complainant)

- 7] Ajinkya s/o Babasaheb Jadhav,
Age: 30 years, Occu. Private Job
R/o. Flat No. 302, Kate Wasti Road, Punawala,
Pimpri Chinchwad
(Husband of the complainant)

..APPLICANTS

VERSUS

- 1] The State of Maharashtra
Through: Police Station Cidco
Aurangabad (City), Tq. & Dist. Aurangabad.
- 2] Ankita w/o. Ajinkya Jadhav
Age: 25 years, Occu. Household,
R/o. Avishkar Colony, N-6, Cidco,
Aurangabad, Tq. & Dist. Aurangabad.

..RESPONDENTS
(Resp. No. 2 is the
Orig. Complainant)

Mr. Angad kanade h/f Mr. P. S. Dikle, Advocate for Applicants
Ms. P. R. Bharaswadkar, APP for Respondent No. 1
Mr. P. A. Bharat, Advocate for Respondent No. 2

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 08th September, 2025

JUDGMENT (PER : Hiten S. Venegavkar, J) :-

1. Rule.

2. Rule made returnable forthwith.
3. After hearing learned Advocate for applicants for sometime, he submitted that he will withdraw the application on behalf of applicant No. 7 who is the husband of the original complainant.
4. Accordingly, the application is dismissed as withdrawn in respect of applicant No. 7.
5. With consent of all the parties, Criminal Application No. 1151/2023 is taken up for hearing and final disposal in respect of applicant Nos. 1 to 6.
6. The present application is filed under Section 482 of Criminal Procedure Code, 1973 (for short “**Cr.P.C**”) by the original accused in First Information Report (for short “**F.I.R**”) No. 0075 of 2023 dated 10.02.2023 registered with Cidco Police Station, Aurangabad city, Tq. and Dist. Aurangabad for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of Indian Penal Code (for short “**I.P.C**”) and Section 3 and 4 of Dowry Prohibition Act, 1961. After completion of the investigation, Investigating Officer submitted charge sheet bearing No. 500 of 2023 before the Court of Judicial Magistrate First Class (for Short “**JMFC**”), Aurangabad

which then culminated into Regular Criminal Case No. 11 of 2024. The said criminal case as on today is pending on the file of JMFC, Aurangabad. As the charge sheet was filed during the pendency of the present criminal application. The applicants through their Advocate have carried out amendment on 28.02.2024, thereby challenging the charge sheet along with consequential case no. R.C.C./11/2024, pending on the file of JMFC, Aurangabad, Dist. Aurangabad, which has been annexed at Exhibit 'D' to the present application.

7. Respondent No. 2 – Ankita Ajinkya Jadhav, who is the original complainant was married to respondent No. 7 on 22.04.2021. It is alleged that in her marriage, her father had gifted 55 grams of Gold Ornaments and certain household articles worth about Rs. 12,00,000/-. According to the complainant, she was treated properly for few months during initial days of the marriage, but thereafter, she was subjected to harassment and taunts on account of her looks and also on account of her father not giving sufficient dowry in the marriage. It is further alleged by respondent No. 2 that her husband use to taunt her on her looks saying that he married her only to fulfill his mother's wish and he has no intention of spending his entire life with her. The complaint also levels certain allegations pertaining to demand of Rs. 10,00,000/- for the purpose of purchasing flat by the accused persons and in order to get the demand satisfied, they physically and verbally abused and threatened respondent No. 2 with

divorce. It is further alleged by respondent No. 2 that even when they had shifted to Pune, the harassment at the hands of husband, mother-in-law and brother-in-law continued. While giving some specifications, she makes reference to an incident dated 18.05.2022 alleging that she was assaulted and drove out of the matrimonial house by the accused persons. She returned to Aurangabad and made complaint about the harassment at the hands of accused persons with her parents. As she had gone physically weak, she was taken to M.G.M. Hospital at Aurangabad and was given medical treatment. She further alleges that in order to save her marriage and also to prevent harassment at the hands of the accused persons, her father paid Rs. 1,50,000/- in cash and also gave 50 Grams of Gold to the husband. However, respondent No. 2 states that the harassment did not stop and it continued demanding the remaining amount of dowry. She, therefore, approached Women's Grievance Cell (Police Commissioner woman complaint Ayog) and filed a complaint. Eventually even the present F.I.R came to be lodged on 10.02.2023.

8. Perusal of the record shows that on 09.11.2023 a supplementary statement of respondent No. 2 was recorded, wherein along with all the allegations made in the F.I.R, an additional allegation alleging illicit relations of accused husband with other woman were also made. It was alleged that when respondent No. 2 tried to confront her husband about the said illicit

relation, he verbally abused and assaulted her. The allegations of assault and verbal abuse are also weighed in the said statement against the accused who are brother-in-law and maternal uncle.

9. On completion of investigation, charge sheet came to be filed and, therefore, R.C.C. No.11/2024 came to be registered which is now pending for trial on the file of JMFC, Aurangabad

10. Learned counsel for the applicants argued that the allegations against the applicant No. 1 to 6 are absolutely vague and ambiguous. He submitted that applicant No. 1 to 4 are distant relatives residing in different cities and do not have any day-today contact with the complainant or her husband. As they are residing separately, there is no question of they coming and harassing her as tried to be alleged by respondent No. 2 in the F.I.R. He argued that applicant No. 6 is the mother-in-law and a widow woman who is working with Zilla Parishad at Ahmednagar. According to him, it is highly improbable that applicant No. 6 could have been continuously involved in the alleged harassment of the respondent No. 2. He also pointed out that the F.I.R itself is lodged after considerable delay thereby covering alleged incidents which according to respondent No. 2 has spread over from the year 2022 till 2023. He argued that except F.I.R, there was absolutely no contemporaneous

complaint or report filed with any of the Authorities and making complaint after such a long delay of the incidents which took place in 2020 and 2021 or 2022 reflects the conduct of respondent No. 2 of making false and fabricated allegations only for the reason that the matrimonial relations with applicant No. 7 had gone sour. He brought to the notice of this Court that respondent No. 2 had filed an application under Section 9 of Hindu Marriage Act, seeking restitution of conjugal rights. He tried to argue that on one hand, respondent No. 2 wants to reside and cohabit with the applicant No. 7 and on the other hand she has been making allegations of harassment and cruelty caused by the applicants. He also tried to argue that whatever is stated in the F.I.R is not mentioned in Section 9 and, therefore, a legal inference can be drawn that the allegations are leveled against the applicants only to pressurize and harass them. He further pointed out that supplementary statement has recorded after 9 (Nine) months wherein respondent No. 2 has introduced certain fresh allegations, this itself undermines the credibility of the allegations leveled by respondent No. 2 against the applicants. The learned counsel, therefore, has argued that the criminal proceedings against applicant Nos. 1 to 6 are malicious and clearly amounts to abuse of process of law.

11. The learned Public Prosecutor appearing for the State argued that the F.I.R and supplementary statement of respondent No. 2 itself discloses

several incidents which spells out harassment, cruelty and demand of dowry at the hands of applicants. It is argued that delay in reporting the alleged incidences which has taken place over three years does not affect the present case as it is obvious that respondent No. 2 was hopeful that relations and behavior of the applicants will improve over the time, however once she was satisfied that the harassment and cruelty is continuing, she had no option but to approach the police and report the offence. It was submitted that allegations of cruelty as required under Section 498 A of I.P.C and demand of dowry are clearly mentioned which are subsequently corroborated with the statements of witnesses that has been recorded by the Investigating Officer. In light of all this, according to the public prosecutor, there is sufficient material on record to proceed with the trial and, therefore, it is not a case wherein the F.I.R, charge sheet or the consequential criminal case can be quashed at this stage.

12. We have also heard learned Advocate for respondent No. 2 who argued on the same lines that of the learned public prosecutor. He also submitted that charge sheet demonstrates sufficient material on record supporting the allegations and offences mentioned therein. In light of the material on record he also prayed for dismissal of the application.

13. After hearing all the parties and after perusing the entire record

which has been placed before us in the nature of charge sheet, the issue for determination in the preset case is whether the allegations in the F.I.R and charge sheet even if accepted on its face value, disclose the commission of offences against applicant No. 1 to 6 so as to continue their prosecution.

14. Before we proceed to analyze the material on record and find out whether the allegations are sufficient to disclose the commissioning of offences, we find it necessary to mention the long line of decisions pronounced by the Hon'ble Supreme Court of India wherein Apex Court has consistently questioned against the misuse of Section 498 A of I.P.C by indiscriminately implicating the relations of the husband without any specific allegations. While considering application under Section 482 of Cr.P.C, the principles laid down in the land mark judgment of **State of Haryana Vs. Bhajan Lal 1992 SUPL (1) SCC 335**, the Apex Court has laid down category of cases where power under Section 482 of Cr.P.C may be exercised to quash proceeding including cases where allegations are observed inherently improbable or made with *mala fide* intentions. Keeping these principles in mind, we will proceed to consider the entire material and allegations made by respondent No. 2 in the present case against the present applicants who happens to be relatives of the husband. While considering these allegations, the reference is also made to the case of **Geeta Malhotra Vs. State of Uttar Pradesh 2012 (10) SCC 741.**

wherein it is held as under:

24. *In the instant case, the question of territorial jurisdiction was just one of the grounds for quashing the proceedings along with the other grounds and, therefore, the High Court should have examined whether the prosecution case was fit to be quashed on other grounds or not. At this stage, the question also crops up whether the matter is fit to be remanded to the High Court to consider all these aspects. But in matters arising out of a criminal case, fresh consideration by remanding the same would further result into a protracted and vexatious proceeding which is unwarranted as was held by this Court in Ramesh v. State of T.N. that such a course of remand would be unnecessary and inexpedient as there was no need to prolong the controversy. The facts in that matter on this aspect were although somewhat different since the complainant had lodged the complaint after seven years of delay, yet in the instant matter the factual position remains that the complaint as it stands lacks ingredients constituting the offence under Section 498-A IPC and Sections 3/4 of the Dowry Prohibition Act against the appellants who are the sister and brother of the complainant's husband and their involvement in the whole incident appears only by way of a casual inclusion of their names. Hence, it cannot be overlooked that it would be total abuse of process of law if we were to remand the matter to the High Court to consider whether there were still any material to hold that the trial should proceed against them in spite of absence of prima facie material constituting the offence alleged against them.*

Thus, the Court observed that casual references to relatives without specific role does not justified their prosecution under Section 498 A.

15. In another case **Kahkashan Kausar Vs. State of Bihar 2022 (6) SCC 599**, the Apex Court held that general and ambiguous allegations against

relatives are not sustainable. It is therefore, become necessary for the Courts to carefully scrutinize the allegations when it comes to matrimonial disputes with a view to protect innocent relatives from false implications. Keeping the aforesaid principles in our mind when we scrutinize the present F.I.R. along with the supplementary statement of respondent No. 2 and the entire charge sheet itself apparent that the allegations made against applicant Nos. 1 to 5 are entirely vague and general in nature without assigning any specifications about the same. It is admitted position that applicant Nos. 1 to 4 are distant relatives and they reside in different cities. No specific act or incidents are specifically attributed to them and except allegations which are sweeping in nature, such as “all accused demanded dowry”, “all accused harassed”, without identifying what exactly each of them did. Such ambiguous allegations cannot form the basis of prosecution.

16. In respect of applicant No. 6 who is the mother-in-law of respondent No. 2, there are certain allegations about the demand of dowry however the allegations still remains general and devoid of any particulars. The record shows that she is employed in Zilla Parishad, Ahmednagar and the entire charge sheet does not disclose any corroborative material indicating her active participation in cruelty. One of the important aspect which raises doubt and the aspiration about the truthfulness about the allegations is the

supplementary statement which came to be recorded after nine months from the date of F.I.R. The allegations against the husband that he had illicit relation with some woman and that when respondent No. 2 tried to confront him about the same she was abused and assaulted. Such serious incident in the life of respondent No. 2 was not reported at the very first instance in the F.I.R., but has been brought on record only after nine months in something which appears to be embellishments. In any case, the allegations of illicit relationship, physical assault and threats pertain specifically to the husband against whom the proceedings will continue. The other factor that swayed in our minds is the application under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights filed by the respondent No. 2. This is one relevant circumstance which indicates that she herself seeks continuation of matrimonial relationship which is inconsistent with the claims of sustained cruelty at the hands of applicant No. 1 to 6 that it endangered her life or health.

17. In respect of allegations pertaining to Section 323, 504 and 506 of I.P.C, it is to be stated that allegations made in the F.I.R and the supplementary statement pertains to applicant No. 7 i.e., husband of respondent No. 2, the allegations does not specifically mentions that applicant Nos. 1 to 6 committed any such act which constitutes an offence under Section 323, 504, 506 of I.P.C. The F.I.R clearly mentions general reference of applicants

assaulting respondent No. 2. According to us, general reference will not satisfy the requirement of law to constitute these offences.

18. As regard to the allegations pertaining to Section 3 and 4 of Dowry Prohibition Act, we are conscious of the fact that there is reference to payment of Rs. 1,50,000/- and 50 Grams of Gold. There is also a demand of Rs. 10,00,000/- for purchase of flat. However the allegations are that such payment which was made by the father of respondent No. 2 was made to the husband i.e., applicant No. 7. No specific allegation is made that applicant Nos. 1 to 6 demanded or accepted dowry. A general reference to “all accused” is not sufficient to specify the statutory ingredients of these provisions.

19. Thus accepting the allegations at their face value, *prima facie* no case is made out against applicant Nos. 1 to 6. In our considered view a continuation of criminal proceedings on the basis of such vague or ambiguous allegations against them would be nothing but abuse of process and would cause needless harassment. We are therefore, persuaded to exercise our inherent jurisdiction under Section 482 of Cr.P.C. Hence, we proceed to pass following order :-

ORDER

- i) Criminal Application stands dismissed as withdrawn against

applicant No. 7 – husband of respondent No. 2.

ii) Criminal Application stands allowed for applicant Nos. 1 to 6.

iii) Charge Sheet No. 500 of 2023 and Regular Criminal Case No. 11 of 2024, pending before the learned Judicial Magistrate First Class, Aurangabad, arising out of the First Information Report vide Crime No. 0075/2023 registered with Cidco Police Station, Aurangabad dated 10.02.2023 for the offences under sections 498A, 323, 504, 506 read with Section 34 of I.P.C and Section 3 and of Dowry Prohibition Act, stands quashed and set aside as against applicant Nos. 1 to 6 i.e., - 1) Rushikesh s/o Rajendra Naikwade, 2) Rajendra s/o Dashrath Naikwade, 3) Ushabai w/o. Ashok Gore 4) Krishna s/o Ashok Gore, 5) Abhijit s/o Babasaheb Jadhav, 6) Bharti w/o Babasaheb Jadhav.

iv) No order as to costs.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

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