



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

16 CRIMINAL APPLICATION NO. 2441 OF 2025

1. Vrushabh s/o Omit Agrawal (Husband),
Age 33 years, Occu. Service,
R/o B-905, Lotus and Lily Society,
Pimpale Nilakh, Pune.
2. Omit s/o Chunnilal Agrawal (Father-in-Law),
Age 63 years, Occu. Business,
R/o Singal Complex, Jawahar Get,
Sakkarsath, Amravati, Tq. and Dist. Amravati.
3. Sangita w/o Omit Agrawal (Mother-in-Law)
Age 55 years, Occu. Household,
R/o as above.

... Applicants
(Ori. Accused)

Versus

1. The State of Maharashtra
Through Police Station Officer,
Dhule City, Police Station, Dhule
Tq. and Dist. Dhule.
2. Pooja w/o Vrushabh Agrawal,
Age 32 years, Occu. Private Job,
R/o C/o Rakeshkumar s/o Ramnivas Agrawal,
House No. 3228, Agra Road, Dhule,
Tq. and Dist. Dhule.

... Respondents
(Resp. No.2 Ori. Complainant)

...

Mr. Amit Arun Tandulkar, Advocate for Applicants.
Smt. P. R. Bharaswadkar, APP for Respondent / State.

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

DATE : 21st July, 2025.

Per Court:

. Present application has been filed for quashment of the proceedings in R.C.C. No.843 of 2023, pending before the learned Judicial Magistrate First Class, Dhule, arising out of FIR vide C.R. No.350 of 2023, dated 4th September, 2023, registered with Dhule City Police Station, District Dhule, for the offence punishable under Sections 498-A, 504 and 506 of the Indian Penal Code and further added Section 323 read with 34 of the IPC.

2 Heard the learned counsel for the applicants and the learned APP for respondent No.1 / State. There is no necessity to issue notice to respondent No.2 / informant (wife).

3 It has been vehemently submitted on behalf of the applicants that perusal of the FIR and the charge-sheet would show that with some *mala-fide* intention the informant is making allegations against the entire family, when in fact applicant Nos.2 and 3, mother-in-law and father-in-law, are not residing with applicant No.1 and the informant at Pune, still they have been roped in. There is absolutely no evidence regarding the hurt caused to the informant. Independent witness has not been examined. It appears that the informant, who is a lady in service, was addicted to parties and such other culture, which

was not acceptable for the family of the applicants, she has levelled the allegations. She also alleges that up till the date of FIR the applicants have in all taken amount of Rs.11,00,000/- from her salaries, but there is absolutely no evidence that has been collected by the investigating officer. Therefore, except the oral statements of the witnesses and the allegations in the FIR, there is nothing. Considering the old age, applicants Nos.2 and 3 are suffering with some illness and therefore, it would be unjust to ask them to face the trial.

4 Per contra, the learned APP strongly opposes the application and submits that since the charge-sheet has been filed and the contents in the FIR have been supported by the witnesses, there is *prima-facie* evidence and therefore, let there be trial.

5 Here, it is to be noted that the fact is not in dispute that applicant No.1 got married to respondent No.2 on 2nd July, 2021. Applicant No.1 is serving at Pune and it appears that even respondent No.2 was serving at Pune. In the FIR, it is stated that all the ornaments of which the list is given, applicant No.1 took those ornaments from the informant and gave it to the mother-in-law and those ornaments have not been returned to her. It is stated that there used to be taunting on the point that they have not been honoured properly at the time of marriage and proper gifts have not been given.

On that count, there used to be defamatory words against the family members of respondent No.2 by the applicants. On 1st December, 2021, by raising suspicion that the informant has consumed liquor, it is stated that applicant No.1 had slapped the informant in presence of her parents and the said incident had taken place in a hotel at Dhule. Now, for that incident of slapping on 1st December, 2021, the learned counsel for the applicants submits that there is no medical certificate. This is absurd. For Section 323 of IPC, only simple hurt is required to be proved and while proving the hurt, production of medical certificate is not mandatory. Rather, we are of the opinion that there was no necessity for the investigating officer to add Section 323 of IPC at a later point of time because Section 498-A of IPC would include the offence under Section 323 of IPC, when it comes to harassment. The informant further states that when on the occasion of birthday of applicant No.1, her brother had sent cake, it was not approved by applicant Nos.2 and 3 and they had then used defamatory words against the family of respondent No.2. The informant states that when it used to be the time of her salary, the applicants used to be good with her and after taking money from her, they used to harass her. Demand for Rs.30,00,000/- was made in February, 2023, for purchasing the house and when she told that it will not be possible for her to bring that much amount, she states that applicant No.1 caused injury to himself by breaking bottle on his head, beating on his chest and tried to

consume phenyl two times as well as caused injuries on his person with the help of nail cutter. Under the said circumstances, she states that the applicants have taken about Rs.11,00,000/- from her, which was part of her salary. No doubt, in the charge-sheet evidence has not been collected, but it is capable of being produced by taking help of Section 319 of Cr.P.C. and therefore, this cannot be the ground for quashing the FIR and the charge-sheet. Thereafter, she states that on some or other occasions, there used to be quarrels and defamatory treatment was given by the applicants. According to her, she was driven out of the house on 15th March, 2023 and her attempts for resumption of cohabitation were in vain. We have then taken note of those allegations and we are of the opinion that there is *prima-facie* evidence collected for the trial of the applicants.

6 Now, applicant Nos.2 and 3 went to rely on their Aadhaar cards as a proof of their residence in Amravati. However, that cannot be the sole ground on which we would arrive at a conclusion that they are residing separately, taking into consideration the fact that in the FIR the informant was allegedly residing with all the applicants, states that they were residing in Pimpale Nilakh, Pune.

7 Taking into consideration all these aspects, we do not find this to be a fit case where we should exercise our powers under

Section 482 of Cr.P.C. The application stands rejected at the threshold.

nga [SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]