



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

26 CRIMINAL APPLICATION NO.2637 OF 2023

- 1 Mukteshwar Kashinath Khole,  
Age 36 yrs., Occ. Legal Practitioner,
- 2 Vijaya w/o Kashinath Khole,  
Age 62 yrs., Occ. Retired/Household,
- 3 Kashinath Nanarao Khole,  
Age 70 yrs., Occ. Legal Practitioner,

Applicant Nos.1 to 3 are  
r/o House No.4, Gat No.151, Satara,  
Vijayant Nagar, Aurangabad.

- 4 Smita w/o Vivek Sawant @  
Smita d/o Kashinath Khole,  
Age 36 yrs., Occ. Lecturer/Student,  
R/o MGM Quarters, Aurangabad.
- 5 Laxman Rangnath Chobhe,  
Age 53 yrs., Occ. Agri.,
- 6 Ujwala w/o Laxman Chobhe,  
Age 45 yrs., Occ. Household,

Applicant Nos.5 and 6 are  
r/o Athwada, Tq. & Dist. Ahmednagar.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra  
Through Police Inspector,  
Begumpura Police Station,  
Aurangabad.

- 2 Manisha Mukteshwar Khole,  
Age 32 yrs., Occ. Nurse,  
R/o Plot No.4, Mohini Apartment,  
Jaisingpura, Aurangabad.

... **Respondents**

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Mr. A.H. Dhupe, Advocate for applicants  
Mr. N.R. Dayama, APP for respondent No.1

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**CORAM : SMT. VIBHA KANKANWADI &  
SUSHIL M. GHODESWAR, JJ.**

**DATE : 25<sup>th</sup> AUGUST, 2025**

**ORDER : (PER : SMT. VIBHA KANKANWADI, J.)**

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 initially for quashment of First Information Report vide Crime No.129/2023 dated 13.06.2023 registered with Begumpura Police Station, Aurangabad, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961 and later on by way of amendment for quashing the proceedings in Regular Criminal Case No.2516/2023 pending before learned Judicial Magistrate First Class, Aurangabad.

2            Heard learned Advocate Mr. A.H. Dhupe for applicants and learned APP Mr. N.R. Dayama for respondent No.1. In order to cut short, it can be said that they have argued in support of their respective contentions.

3            It will not be out of place to mention here that after disinclination is shown to grant any relief to applicant Nos.1 to 3, learned Advocate for applicants, upon instructions, sought withdrawal of application as against them. Therefore, application stands dismissed as withdrawn as against applicant Nos.1 to 3. Now, the application proceeded for the reliefs claimed by applicant Nos.4 to 6.

4            It is not in dispute that respondent No.2 got married to original applicant No.1 on 30.01.2016. Applicant Nos.1 to 3 are the husband, mother-in-law and father-in-law, applicant No.4 is married sister-in-law, applicant No.5 is maternal uncle of husband and applicant No.6 is wife of applicant No.5. Applicant Nos.4 to 6 are residing at different place than the matrimonial home. Respondent No.2 and applicant No.1 are blessed with a son.

5            Perusal of First Information Report to the extent of applicant Nos.4 to 6 is concerned, it is stated that respondent No.2 came to know within few days of marriage that husband has some illicit relations with a

lady and applicant No.4 sister-in-law had knowledge about the same. Mere knowledge will not amount to cruelty as defined under Section 498-A of the Indian Penal Code. She has not attributed role to applicant Nos.4 to 6 right from the beginning, but states that after she as well as applicant No.1 started residing separately from 16.04.2022, applicant No.1 started residing with another lady and then she says that thereafter applicant Nos.4 to 6 also started demanding amount of rupees one crore for the office of husband, who is a legal practitioner. Thus, the allegations against applicant Nos.4 to 6 are vague in nature. The role was not attributed since 2016, but only in 2022. The statements of witnesses i.e. father, brother and friends of respondent No.2 are stereotype. They have stated about the fact which was narrated to them by respondent No.2. They have also not attributed any specific role to applicant Nos.4 to 6. Therefore, it would be an abuse of process of law to ask applicant Nos.4 to 6 to face the trial. Hence, following order.

### **ORDER**

- i) Criminal Application stands partly allowed.
- ii) Criminal Application stands disposed of as withdrawn, after disinclination, as against applicant Nos.1) **Mukteshwar Kashinath Khole**, 2) **Vijaya w/o Kashinath Khole** and 3) **Kashinath Nanarao Khole**.

iii) The proceedings in Regular Criminal Case No.2516/2023 pending before learned Judicial Magistrate First Class, Aurangabad, arising out of First Information Report vide Crime No.129/2023 dated 13.06.2023 registered with Begumpura Police Station, Aurangabad, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961, stands quashed and set aside as against applicant Nos.4) **Smita w/o Vivek Sawant @ Smita d/o Kashinath Khole**, 5) **Laxman Rangnath Chobhe** and 6) **Ujwala w/o Laxman Chobhe**.

( SUSHIL M. GHODESWAR, J. )

( SMT. VIBHA KANKANWADI, J. )

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