



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1117 OF 2023

- (1) Rajabhau s/o Shankar Bhadke
Age 52 years, Occu: Service
Datta Nagar, Murshadpur
Tq. Ashti, District- Beed
- (2) Shankar s/o Balaji 2 Babaji Bhadke
Age:-85 yrs Occ. Nil.
- (3) Gunabai @ Parvati Shankar Bhadke
Age: 80 Yrs., Occu. HH.
- (4) Bibishan s/o Shankar Bhadke
Age:- 49 yrs Occ. Nil
- (5) Chandrakala Appasaheb Dhangaonkar
Age:- 40 Yrs. Occ. Agri.
- (6) Deepak s/o Appasaheb Dhangaonkar
Age 23 years, Occu: Nil
- (7) Akshay s/o Bibishan Bhadke
Age 23 years, Occu: Agri
- (8) Kavita w/o Bibishan Bhadke
Age 40 years, Occu: Household
All R/o Mataji Nagar Kava Road, Latur
Dist. Latur

... Petitioners

Versus

- (1) The State of Maharashtra,
Through Police Inspector,
Ashti Police Station
Tq. Ashti, Dist. Beed.
- (2) Sangita w/o Rajabhau Bhadke
Age :-50 years, Occu: Agri.
R/o Datta Nagar, Murshadpur
Ashti, Tq. Ashiti, Dist. Beed.

... Respondents

Mr. N. L. Jadhav, Advocate for the petitioners

Mr. S. P. Sonpawale, APP for Respondent No.1 State
 Ms. Vanita Sangole, Advocate for Respondent No.2(Appointed)

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CORAM : **SANDIPKUMAR C. MORE &
 Y. G. KHOBRADE, JJ.**

DATE : **24th November, 2025**

ORDER :

1. Rule. Rule made returnable forthwith and heard finally at the admission stage with consent of the parties.
2. By way of this petition, the petitioners are seeking quashment of FIR in Crime No. 338 of 2022 registered with Ashti Police Station District Beed for the offences punishable under sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code alongwith charge-sheet and criminal proceeding arising out of the same, bearing R.C.C. No. 31 of 2023 and the order of taking cognizance dated 28.02.2023 passed therein by the concerned Judicial Magistrate First Class, Ashti.
3. Learned counsel for the petitioners submits that after 28 years of cohabitation, Respondent No.2 wife has filed this complaint against the petitioners on false and imaginary allegations. He submitted that on going through the FIR, the main accusations appears to be against Petitioner No.1-husband and the allegations against rest of the petitioners are general and vague in nature. According to him, the proceeding filed by Respondent No.2 against some of the petitioners under the Protection of Women from Domestic Violence Act has already been rejected. In the said proceeding, Respondent No.2 had given certain vital admissions, wherein she admitted that her in-laws are even

unable to walk because of old age and the present Petitioner Nos.4 and 8 are residing separately since long and as such, he prayed for quashing, as prayed, against the petitioners.

4. On the contrary, learned counsel for Respondent No.2 wife admitted about the rejection of the DV proceeding but submitted that in fact, there was compromise in the said proceeding and it was not acted upon, resulting into this FIR. Learned APP also supported the learned counsel for Respondent No.2-wife.

5. It is significant to note that quashing is permissible in view of the guidelines laid down by the Hon'ble Apex Court in the case of **State of Haryana Vs. Bhajan Lal and others reported in AIR 1992 SC 604**, according to which, the FIR can be quashed by exercising powers under Section 482 of Cr. P. C. only if it is found that allegations are taken at their face value then also do not establish the offence.

6. In the present case, on going through the FIR, it is evident that all the allegations are mainly against Petitioner No.1 husband and the allegations against other petitioners are general in nature. Even if they are taken as it, then also the cruelty as contemplated under section 498-A of Indian Penal Code cannot be established against the other petitioners. No specific date and time is mentioned about the alleged incident of demand at the hands of Petitioner Nos. 2 to 4 and 8. It is significant to note that in the D.V. proceeding itself, Respondent No. 2 had admitted that Petitioner Nos. 2 and 3 are old aged persons, whereas Petitioner Nos. 4 and 8 are residing separately from her since

long. Petitioner No.5 appears to be sister-in-law and Petitioner No.6 is her son. They are residing separately from Petitioner No.1 and Respondent No.2. Moreover, Petitioner No. 7 Akshay is also residing with his parents namely Petitioner Nos. 4 and 8. It is also significant to note that demand, allegations of respondent No.2 appears to be against her husband, from whom she intends to receive maintenance and manage her daughter Amrapali. Under such circumstances, considering the main accusations against Petitioner No.1, we are inclined to exercise powers under Section 482 Cr.P.C. at least against Petitioner Nos. 2 to 8. Continuation of proceeding against them would be abuse of process of law. As such, we pass following order:

ORDER

- i. Petition stands dismissed to the extent of Petitioner No. 1-husband. However, the Petition is allowed to the extent of Petitioner Nos. 2 to 8.
- ii. FIR in Crime No. 338 of 2022 registered with Ashti Police Station District Beed for the offences punishable under sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code alongwith charge-sheet and criminal proceeding arising out of the same, bearing R.C.C. No. 31 of 2023 and the order of taking cognizance dated 28.02.2023 passed therein by the concerned Judicial Magistrate First Class, Ashti are hereby quashed and set aside to the extent of present Petitioner Nos. 2 to 8.

- iii. Rule is accordingly discharged in respect of Petitioner No. 1 and it is made absolute in respect of Petitioner Nos. 2 to 8.
- iv. Fees of appointed counsel for Respondent No.2 be quantified as per rules and be paid to her immediately.

(Y. G. KHOBRAGADE, J.)

(SANDIPKUMAR C. MORE J.)

JPChavan