



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3598 OF 2024

1. Sambhaji Radhakisan Dive
2. Sudamati Radhakisan Dive
3. Mangal Hanuman Pawar
4. Manda Jalindhar Ware
5. Babita Sainath Pawar
6. Lata Macchindranath Ware
7. Savita Rameshwar Chalak
8. Kavita Gokul Kudake
9. Seema Ashok Gaware

.. Applicants

Versus

1. The State of Maharashtra
Through Office Incharge,
Police Station Ghansawangi,
District Jalna.
2. Varsha Sambhaji Dive

.. Respondents

...
Mr. Shashikant E. Shekade, Advocate for the applicants.

Mrs. P. R. Bharaswadkar, APP for respondent No.1/State.

Mr. V. B. Garud, Advocate for respondent No.2 (Appointed Through Legal Aid).

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**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 15 SEPTEMBER 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present application has been filed for quashing the proceedings in
Regular Criminal Case No.183 of 2022 pending before the learned

Judicial Magistrate First Class, Ghansawangi, District Jalna arising out of the FIR vide Crime No.203 of 2022 dated 25.06.2022 registered with Ghansawangi Police Station, District Jalna for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. Shashikant E. Shekade for the applicants, learned APP Mrs. P. R. Bharaswadkar for respondent No.1/State and learned Advocate Mr. V. B. Garud for respondent No.2. In order to cut short it can be said that all of them have made submissions in support of their respective contentions.

3. It will not be out of place to mention here that when this Court expressed its disinclination to grant any relief in favour of applicant No.1, learned Advocate for the applicants, on instructions, seeks withdrawal of the application in respect of applicant No.1. Hence, the application stands disposed of as withdrawn as against applicant No.1. Matter is proceeded for the reliefs claimed on behalf of applicant Nos.2 to 9.

4. Respondent No.2/informant in her FIR stated that she got married with applicant No.1 on 17.12.2014. She was treated properly for 1-2 years. Thereafter, all the accused persons started giving ill treatment to her on account of less dowry. Applicant No.1 also assaulted her, abused her and threatened her of performing second marriage. Thereafter,

applicant No.1 started demanding amount of Rs.2,00,000/- for construction of new house. She further states that when she told this fact to her parents. Her parents persuaded her and thereafter, left her to matrimonial home. Thereafter, again the applicants started taunting her and abused and assaulted her, as she has not fulfilled their demand. Thereafter, the informant was driven out from the house by assaulting her. She then lodged the First Information Report.

5. At the outset, it is to be noted that the marriage between applicant No.1 and respondent No.2 was solemnized on 17.12.2024. Applicant No.2 is the mother-in-law and applicant Nos.3 to 9 are married sisters-in-law of respondent No.2. In the entire FIR, there is absolutely no mention as to whether applicant No.3 to 9, who are married sisters-in-law, used to visit the matrimonial home of respondent No.2. The allegations against applicant Nos.3 to 9 are omnibus and appears to be with an intention to rope all the family members. It is stated that the harassment is started after 1-2 years of marriage. She states that she informed about the treatment given by the applicants to her parents, who had then told the applicants that they are poor people and unable to fulfill the demand of dowry and sent her back for cohabitation. It appears that no specific role has been attributed to applicant Nos.2 to 9. It appears that those allegations are just to rope mother-in-law and married sisters-in-law with ulterior motive and, therefore, it would be an abuse of process of law to

ask these persons to face the trial. Even if present applicant Nos.2 to 9 have not made amendment for quashing of the order taking cognizance of the offence against them, yet it is apparent from the contents of the charge-sheet that such cognizance ought not to have been taken on account of non attracting of the ingredients of the offences. Therefore, even taking into consideration the observations in ***Pradnya Pranjal Kulkarni vs. State of Maharashtra and another, [Petition(s) for Special Leave to Appeal (Crl.) No.13424 of 2025]*** decided by the ***Hon'ble Supreme Court on 03.09.2025***, we find that this is a fit case where we should exercise our inherent powers under Section 482 of the Code of Criminal Procedure. Hence, the following order :-

ORDER

- I) Criminal Application stands partly allowed.
- II) Criminal Application stands disposed of as withdrawn as against applicant No.1.
- III) Criminal Application stands allowed in respect of applicant Nos.2 to 9.
- IV) The proceedings in Regular Criminal Case No.183 of 2022 pending before the learned Judicial Magistrate First Class, Ghansawangi, District Jalna arising out of the FIR vide Crime

No.203 of 2022 dated 25.06.2022 registered with Ghansawangi Police Station, District Jalna for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code stands quashed and set aside as against present applicants.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm