



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1364 OF 2022

- (1) Harshad s/o Chandrakant Bagul
Age 36 years, Occu: Job
R/o C-203, Shree Rajlaxmi Park,
Near Vitthal Mandir, Kalwa,
Tq. & Dist. Thane
- (2) Aruna w/o Chandrakant Bagul
Age 60 years, Occu: Retired
At post Kalwa, Tq. & Dist. Thane
- (3) Devanand s/o Bhaskar Bagul
Age 42 years, Occu: Driver
At Post Gondhale Nagar
Tq. & Dist. Pune
- (4) Sandhya Devanand Bagul
Age : Adult, Occu: Household
R/o Gondhale Nagar, Tq. & Dist. Pune ... **Petitioners**

Versus

- (1) The State of Maharashtra,
Through Police Inspector,
Shirpur Police Station
Dist. Dhule.
- (2) Nita w/o Harshad Bagul
Age-30 years Occu: Household
C/o Madhukar Sukhlal Shimpi
R/o 26 Daulatnagar
Karvandnaka, Behind Petrol Pump
Shirpur, Dist. Dhule ... **Respondents**

Mr. M. R. Wagh a/w Mr. Ajinkya S. Mirajgaonkar, Advocates for the petitioners

Mr. V. M. Jaware, APP for Respondent No.1 State

Mr. V. P. Raje, Advocate for Respondent No.2

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**CORAM : SANDIPKUMAR C. MORE &
Y. G. KHOBRAGADE, 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. The petition is already withdrawn to the extent of Petitioner No.1- husband.
3. Petitioner No. 2 is mother-in-law, whereas petitioner Nos. 3 and 4 are respectively brother-in-law and sister-in-law of Respondent No.2 wife.
4. On 14.12.2020, Respondent No.2 lodged FIR bearing Crime No.278 of 2020 with Shirpur Police Station Dist. Dhule against the petitioner alleging that they ill treated her on account of non-fulfillment of illegal demand of Rs.2 lakhs. Additionally, she made allegations that her husband was suspecting her character.
5. Learned counsel for the petitioners submits that there are certain allegations against Petitioner No.1 husband in the FIR by Respondent No.2 but there are absolutely no accusations against other petitioners i.e. petitioner Nos. 2 to 4. According to him, Petitioner Nos. 3 and 4 are residing at Pune since long where as there is no specific allegation against Respondent No.2 mother-in-law. Thus, he prayed for quashment of FIR in Crime No. 278 of 2020 registered with Shirpur Police Station, District Dhule alongwith charge-sheet and criminal proceeding arising out of the same, bearing R.C.C. No. 11 of 2022 and the order of taking cognizance dated 24.01.2022 passed therein by the

concerned Judicial Magistrate First Class, Shirpur in respect of Petitioner Nos. 2 to 4, since the petition of Petitioner No.1-husband is already withdrawn.

6. On the contrary, learned counsel for Respondent No.2-wife vehemently argued that through there are allegations against the husband, but the FIR itself indicates that certain allegations are also made against the remaining petitioners. He specifically pointed out the incident dated 15.03.2020, in which the petitioners had gone to her parent's house and demanded certain amount for purchasing flat. Though her parents tried to convince them, Petitioner No. 2 alongwith her husband was not ready to listen. As such, she prayed for dismissal of the petition. Learned APP also supported the arguments advanced on behalf of learned counsel for Respondent No.2.

7. It is significant to note that if the FIR is perused, then it is evident that husband of respondent no.2 was in fact suspecting her character. Admittedly, it is second marriage for Petitioner No.1 and Respondent No.2. Further, it appears that mainly, allegations are against husband only and whatever allegations are made against other respondents are vague and general in nature. Even if the said allegations are taken as it, then also, the cruelty as contemplated under section 498-A of Indian Penal Code cannot be established. Further, the petitioner Nos. 3 and 4 are admittedly residing separately from Respondent No.2 and her husband since long. Therefore, we are of the opinion that continuation of proceedings against Petitioner Nos 2

to 4 would be abuse of process of law. Thus, it is a fit case for powers under Section 482 Cr.PC. As such, we pass the following order:

ORDER

- i. The Petition stands allowed.
- ii. FIR in Crime No. 278 of 2020 registered with Shirpur Police Station, District Dhule alongwith charge-sheet and criminal proceeding arising out of the same, bearing R.C.C. No. 11 of 2022 and the order of taking cognizance dated 24.01.2022 passed therein by the concerned Judicial Magistrate First Class, Shirpur are hereby quashed and set aside to the extent of present Petitioner Nos. 2 to 4.
- iii. Rule is accordingly made absolute.

(Y. G. KHOBRADE, J.)

(SANDIPKUMAR C. MORE J.)

JPChavan