



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

51 CRIMINAL APPLICATION NO.4429 OF 2024

- 1 Karbhari Yashwant Kardile,
Age 75 yrs., Occ. Pensioner,
R/o Majale Chincholi,
Tq. & Dist. Ahmednagar.
- 2 Padma w/o Karbhari Kardile,
Age 70 yrs., Occ. Pensioner,
R/o Virbhadra Niwas, Dimbar Galli,
Begampura, Chhatrapati Sambhajnagar.
- 3 Yogesh Karbhari Kardile,
Age 54 yrs., Occ. Medical Officer,
R/o Pandhricha Pool,
Tq. & Dist. Ahmednagar.
- 4 Archana w/o Yogesh Kardile,
Age 54 yrs., Occ. Medical Officer,
R/o Pandhricha Pool,
Tq. & Dist. Ahmednagar.
- 5 Narendra Karbhari Kardile,
Age 40 yrs., Occ. Service,
R/o 77, Collard Street, Jersey City,
NJ, 07306, USA.
- 6 Subhash Bhimaji (Sarasbapu) Kardile,
Age 55 yrs., Occ. Service,
R/o Pahadsingpura,
Chhatrapati Sambhajnagar.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra

- 2 The District Superintendent of Police,
Ahmednagar, Dist. Ahmednagar.
(Deleted as per order dated 28.11.2024.)
- 3 The Police Inspector,
Police Station, MIDC, Ahmednagar,
Tq. & Dist. Ahmednagar.
- 4 Sharmila w/o Mahesh Kardile,
Age 42 yrs., Occ. Household,
R/o Pandharicha Pool, Near Hotel Rasika,
Tq. & Dist. Ahmednagar.

... Respondents

...

Mr. R.D. Sanap, Advocate for applicants

Mr. V.K. Kotecha, APP for respondent Nos.1 and 3

Mr. N.B. Narwade, Advocate for respondent No.4

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

DATE : 19th SEPTEMBER, 2025

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

. Present application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashment of First Information Report vide Crime No.599/2024 dated 30.07.2024 registered with Police Station, MIDC, Ahmednagar, Tq. & Dist. Ahmednagar, for the offence

punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. R.D. Sanap for applicants, learned APP Mr. V.K. Kotecha for respondent Nos.1 & 3 and learned Advocate Mr. N.B. Narwade for respondent No.4. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 It is not in dispute that respondent No.4 got married to applicant No.1 on 25.02.2004 and they are blessed with son aged 15 years and daughter aged 18 years. At the time of lodging First Information Report informant was staying separately with her children. The applicants before us are the parents-in-law, brothers-in-law, sister-in-law and cousin brother-in-law of respondent No.4.

4 In the First Information Report it has been stated that after the marriage on 25.02.2024, she was treated properly for about 1 to 1½ year. Thereafter the husband became addicted to liquor and used to come late. When informant asked to him, as to what is the reason for his belated return to the house, he used to say that he does not approve her and want to perform marriage with another lady. He used to abuse her and assault her. She had stated about the said fact to her parents, however, they had

persuaded her that the behaviour of husband would improve and, therefore, she had not lodged any report with the police. She also states that after her parents used to persuade, she used to be treated properly for some days. Thereafter, the husband shifted her to Aurangabad and then it is stated that he had taken amount of Rs.7,00,000/- from the father of informant in 2007 for purchasing plot. According to informant, even after coming to Aurangabad the behaviour of husband had not changed. Under the influence of liquor as well as by keeping illicit relations he used to harass her. She states that she had gone to her parents house for some days, but then returned. In 2007, after brother-in-law Yogesh got married, the informant and her husband came back to the village. Thereafter, she was treated properly for some days. She then states that she was asked to bring amount of Rs.50,000/- for construction of house at Pandhari pool. Informant states that by taking money from her father the house was constructed in 2016. Thereafter she as well as her children were looked after properly, but again the husband started drinking liquor and used to say that he has plans to marry with another lady and, therefore, she should not stay in the house. If at all she wants to stay, she should bring amount of rupees one crore. She then states that when she informed the said fact to applicant Nos.1, 3 and 4, they supported her husband. It was then stated that her father has huge money with him and can fulfil the demand. When she refused, she was

subjected to cruelty and then she was driven out of the house along with children in 2022. Thereafter also there were threats and activities of cruelty. The brother-in-law and his wife used to say that they would sale the house and will now allow the children to study. Many times she used to go to her parents' house and come back to the matrimonial home, but there was no change in the behaviour of applicants.

5 Thus, taking into consideration the contents of First Information Report, it can be seen that major portion of First Information Report is against the husband. Further, when there was long standing married life, the cruelty therein could not have been described under omnibus allegations. She was staying separately for some days and then it is stated that even after alleged return she used to go to her parents home. As regards present applicants are concerned, there are no specific allegations. Who was the owner of the house and how the brother-in-law and his wife could have sold or could have insisted for selling the said house, is a question. Under such circumstance, with the omnibus allegations the present applicants need not be asked to face the investigation. One more aspect that is required to be considered is that the husband has filed petition for divorce before Ahmednagar Family Court on 18.07.2023. Most probably, thereafter the present applicants have started the proceedings and there is delay in lodging

the report and, therefore, it would be an abuse of process of law if the applicants are allowed to face the investigation. First Information Report, therefore, needs to be quashed and set aside by exercising powers under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, following order.

ORDER

- i) Criminal Application stands allowed.
- ii) First Information Report vide Crime No.599/2024 dated 30.07.2024 registered with Police Station, MIDC, Ahmednagar, Tq. & Dist. Ahmednagar, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, stands quashed and set aside as against applicants viz. 1) **Karbhari Yashwant Kardile**, 2) **Padma w/o Karbhari Kardile**, 3) **Yogesh Karbhari Kardile**, 4) **Archana w/o Yogesh Kardile**, 5) **Narendra Karbhari Kardile** and 6) **Subhash Bhimaji (Sarasbapu) Kardile**.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)