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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4515 OF 2024

1. Ashok Puna Patil,
Age: 84 years, Occu: Nil,
R/o. Kahatul, Shahada,
Tq. Shahada, Dist. Nandurbar
2. Lalita Ashok Patil,
Age: 80 years, Occu.: Household,
R/o. Kahatul, Shahada,
Tq. Shahada, Dist. Nandurbar
3. Narottam Purushottam Patil @
Subhash Purushottam Patil,
Age: 67 years, Occu.: Agriculturist,
R/o. Madkani, Shahada,
Tq. Shahada, Dist. Nandurbar. ... Applicants.

Versus

1. State of Maharashtra
Through Police Station Officer,
Shahada Police Station, Shahada,
Tq. Shahada, Dist. Nandurbar.
2. Madhuri Vishal Patil,
Age: 36 years, Occu: Household,
R/o. Prakasha, Shahada,
Tq. Shahada, Dist. Nandurbar. ... Respondents

.....
Mr. Sushil P. Pandit, Advocate for Applicants
Mr. G.A. Kulkarni, APP for Respondent No.1 – State
.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATED : 24 SEPTEMBER, 2025

JUDGMENT [Per Hiten S. Venegavkar, J.] :-

1. The present application is filed under Section 482 of Cr.PC. by the applicant Narottam Purushottam Patil @ Subhash Purushottam Patil (applicant No.3) in the present application, seeking quashing of the first information report dated 8th April, 2023 bearing C.R. No. 166 of 2023 registered with Shahada Police Station, District Nandurbar and the consequential charge-sheet dated 26th July, 2023 in RCC No. 74 of 2023 for offences punishable under Section 498A, 323, 504, 506 read with Section 34 of IPC.

2. This Court by order dated 3rd April, 2025 has already rejected the application in respect of applicants No. 1 and 2, namely Ashok Puna Patil and Lalita Ashok Patil on the basis of specific allegations made against them in the FIR. Hence, the present application survives and proceeds only with respect to applicant No. 3, who is a distant relative of the other accused persons.

3. The prosecution story in brief originates from the complaint lodged by Madhuri Vishal Patil, wife of Vishal Patil, who is accused No. 1, alleging cruelty and harassment at the hands of her husband and his relatives. The FIR states that her marriage was solemnized on 29th January, 2009 and after marriage she began residing with her husband Vishal at Kahatul, Taluka Shahada, District Nandurbar. It is further

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alleged that her husband Vishal and in-laws, applicants No. 1 and 2 in the present application started subjecting her to mental and physical harassment for non-fulfilling of dowry demands. They allegedly forced her to sell her plot at Maheshwar on the pretext of purchasing another property in Shahada and misappropriated the sale proceeds. The informant further stated that applicant No. 3, Narottam Purushottam Patil, who is the maternal uncle of her husband and runs an educational institution, had terminated her services as a teacher without notice and that he along with the other co-accused persons caused her mental and physical harassment while on duty. The FIR further alleges that on 15th January, 2023, the accused persons visited the informant's parental home and abused her, threatening her with dire consequences. Based on these allegations, the Shahada Police registered the present FIR and filed a charge-sheet against all four accused persons.

4. Post registration of the first information report, the investigation continued and during the course of investigation, the Investigating Officer recorded several witness statements under section 161 of Cr.PC. The statement of the relatives of the informant such as Bharat Chaudhary, a relative, stated that the informant worked as a teacher in the educational institution run by applicant No. 3 since 14th August 2008 and that the applicant in collusion with co-accused used to harass

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her mentally and physically so she would not become independent in life. He alleged that she was removed from service without any notice or intimation. Even the father of the informant, Ambalal Chaudhary and Dayabhai Chaudhary, who is the other relative of the informant, have made similar kind of allegations against the applicant No. 3. Perusal of all the three statements show that the statements are stereotyped allegations against the present applicant without specifying any dates, incidents or acts attributable to the present applicant No. 3 individually. It is pertinent to note that the allegations in all these statements are vague and omnibus in nature, lacking any specific details regarding the alleged acts of cruelty or the applicant's active participation in the commissioning of offence as alleged by the informant against her husband and in-laws. The investigation revealed that applicant No. 3 is a resident of Madkani, situated separately from the matrimonial home of the informant and there is no material evidence showing his day-to-day involvement in the alleged acts of cruelty. Apart from the informant's assertion that her employment was terminated by the applicant No.3, there is no independent proof of such action being unlawful or motivated by malice. Thus, considering the core allegations made against the applicant No.3 by the informant as well as the prosecution witnesses whose statements under section 161 of the Cr.PC. have been recorded and are part of the charge-sheet, they are limited to

two aspects. Firstly, that he terminated the informant from his educational institution without prior notice and secondly, that he allegedly supported the co-accused in mentally and physically harassing the informant. There is no allegation of dowry demand, physical assault or any overt act linking him directly with the matrimonial cruelty. The statements of witnesses do not establish his presence at the matrimonial home or any active participation in the alleged offences.

5. After considering the contents of the FIR, the statements recorded under section 161 of Cr.P.C. and the entire material placed along with the charge sheet, it becomes clear that the allegations against the present applicant are vague, omnibus and lacking in specific particulars. The Hon'ble Supreme Court in the landmark case of ***State of Haryana v. Bhajanlal***, AIR 1992 SC 604, laid down seven categories of cases wherein the inherent powers under section 482 of Cr.P.C. may be exercised to prevent abuse of process of law or to secure the ends of justice. The present case falls squarely within the parameters of category 1 and category 3 of ***Bhajanlal*** (supra) namely, where the allegations in FIR or complaint, even if taken at face value, do not constitute any offence and where the allegations are so absurd and inherently improbable that no prudent person could ever reach a conclusion that an offence has been committed. The allegations against

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the applicant No.3 are bereft of particulars and do not disclose the essential ingredients of section 498A, 323, 504 or 506 of IPC. The mere fact that the informant worked in an institution managed by the applicant and was later removed does not by itself constitute cruelty or harassment within the meaning of section 498-A of IPC. Moreover, the FIR appears to be an afterthought lodged after the informant had already initiated proceedings under the Domestic Violence Act 2005, which notably did not include applicant No.3 as a respondent. The absence of his name in earlier proceedings indicates that present allegations are likely to be made with a mala fide intention to implicate extended family members. Thus by applying the principles of *Bhajanlal* (supra) and considering the nature of allegations, the continuation of criminal proceedings against applicant No. 3 would amount to an abuse of process of law. The prosecution has failed to produce any material indicating active participation, conspiracy or instigation by the applicant. In matrimonial disputes, it is not uncommon for relatives residing separately to be falsely implicated. Courts have repeatedly cautioned against mechanical prosecution of distant relatives in such cases. The Hon'ble Supreme Court's observation in *Arnesh Kumar vs State of Bihar and another*, (2014) 8 SCC 273 further underscores the need for judicial restraint in allowing prosecutions based on generalized allegations under section 498-A of IPC.

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6. In view of the above discussion, it is evident that the allegations against applicant No.3 are vague, unspecific and unsupported by evidence. The witnesses statements are stereotyped and repetitive, lacking any independent corroboration. The applicant is a distant relative with no direct involvement in the matrimonial life of the informant and further the investigation material does not disclose any *prima facie* case against the present applicant No.3 under Sections 498-A, 323, 504 or 506 of IPC. Hence, the FIR and the consequential charge-sheet against the present applicant amounts to an abuse of process of Court and deserves to be quashed. Hence, we proceed to pass the following order:

ORDER

- (i) The criminal application No.4515 of 2024 is allowed insofar as it concerns applicant number 3, Narottam Purushottam Patil @ Subhash Purushottam Patil.
- (ii) The FIR dated 8th April 2023 bearing C.R. No.166 of 2023 registered with Shahada Police Station, District Nandurbar and the charge-sheet dated 26th July 2023 in R.C.C. number 74 of 2023 are quashed and set aside as against the present applicant No.3.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE