



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4423 OF 2022**

1. Swapnil s/O Dhondiram Shelke, (Husband)  
Age : 25 Years, Occ. Agriculture,  
R/o. Jambwadi Tq. Jamkhed,  
District Ahmednagar.
2. Vidya W/o Dhondiram Shelke,  
Age : 50 Years, Occ. Agriculture,  
R/o. As above (Mother-in-law)
3. Dhondiram S/o Nanasaheb Shelke,  
Age : 52 Years, Occ. Agriculture (Father-in-Law)  
R/o. As above.
4. Babasaheb S/o Nanasaheb Shelke,  
Age : 58 Years, Occ. Agriculture, (Cousin Father-in-law)  
R/o. As above.
5. Suman W/o Babasaheb Shelke, (Cousin Mother-in-Law)  
Age : 52 Years, Occ. Agriculture  
R/o. As above
6. Dattatraya S/o Nanasaheb Shelke, (Cousin Father-in-Law)  
Age : 60 Years, Agriculture,  
R/o. As above
7. Suvarna W/o Dattatraya Shelke, (Cousin Mother-in-Law)  
Age : 30 Years, Occ. Service,  
R/o. As above
8. Dnyaneshwar S/o Babasaheb Shelke,  
Age : 31 Years, Occ. Agriculture (Cousin Brother-in-Law)  
R/o. As above
9. Suhas S/o Dattatraya Shelke, (Cousin Brother-in-Law)  
Age : 17 Years, Occ. Education,  
Since Minor through  
Natural guardian i.e. applicant No.6,  
R/o. As above
10. Manoj S/o Babasaheb Shelke, (Cousin Brother-in-Law)  
Age : 34 Years, Occ. Service

R/o. Infront of Panchayat Samiti,  
Jamkhed Tq. Jamkhed,  
District Ahmednagar.

11. Abasaheb S/o Kalyan Veer,  
Age : 62 Years, Occ. Pensioner, (Father-in-Law of Cousin  
R/o. Mote Vasti, Jamkhed, Sister in Law)  
Tq. Jamkhed District Ahmednagar.
12. Ashwini W/o Namdeo Mote, (Sister-in-law)  
Age : 28 Years, Occ. Household,  
R/o. Kashti Tq. Shrigonda,  
District Ahmednagar.

..Applicants  
(Orig. Accused)

### VERSUS

1. The State of Maharashtra,  
Through Police Inspector,  
Police Station, Peth Beed,  
Tq. And District Beed.
2. Varsha W/o Swapnil Shelke,  
Age : 22 Years, Occ. Household,  
C/o. Narayan S/o Baburao Shendge  
R/o. Ashoknagar, Barshi Naka,  
Beed Dist. Beed.

.. Respondents  
(Res. No.2 Orig. Informant)

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Advocate for the applicants : Mr. Akshay S. Jagtap h/f  
Mr. A. N. Nagargoje  
A.P.P. for Respondent No.1 State : Mr. N. R. Dayama  
Advocate for Respondent No.2 : Mr. V. P. Sawant

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**CORAM : SMT. VIBHA KANKANWADI AND  
ROHIT W. JOSHI, JJ**

**DATED : JANUARY 17, 2025**

### **JUDGMENT (PER ROHIT W. JOSHI, J):-**

1. The present application has been filed under Section 482 of the  
Code of Criminal Procedure (hereinafter referred to as 'Cr. P. C.' for

brevity) seeking to quash F.I.R No. 263 of 2022, registered with Peth Beed Police Station, Tahsil and District Beed on 08.12.2022 for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code (hereinafter referred to as 'IPC' for brevity) as also charge sheet No. 33 of 2023 filed by respondent No.1 and the consequent Regular Criminal Case No. 182 of 2023 which is pending on the file of learned Judicial Magistrate First Class, Beed. Respondent No.2 informant is related to applicants as under :-

Applicant No.1- Husband, applicant No.2- Mother-in-law, applicant No.3-Father-in-law, applicant No.4- Cousin father-in-law, applicant No.5-cousin mother-in-law, applicant No.6 Cousin-father-in-law, applicant No.7-Cousin mother-in-law, applicant No.8 Cousin brother-in-law, applicant No.9- Cousin brother-in-law, applicant No.10- Cousin brother-in-law, applicant No.11- Father-in-law of cousin sister-in-law, applicant No. 12- Sister-in-law

2. At the outset, we may mention that during the course of hearing, the learned Advocate for the applicants, on noticing our disinclination to grant any relief to the applicant Nos. 1 to 3, made a motion seeking to withdraw the application with respect to them. We have allowed the learned Advocate for the applicants to withdraw the application and accordingly application stands disposed of as

withdrawn *qua* applicant Nos. 1 to 3.

4. Marriage of respondent No.2 was solemnized with applicant No.1 on 21.11.2021. She claims that for a period of around 15 days after the marriage, things were quite normal. However, she states that, thereafter all the applicants started illtreating her, saying that they do not like her etc. She has alleged that, applicant No.1-husband used to say that he had married with respondent No.2 only because of parental pressure and used to quarrel with her for one or other reason. She alleges that this harassment by the husband was brought to the notice to other applicants, but they did not pay any heed towards it. She says that, a demand was made asking her to get an amount Rs. 5,00,000/- from her parents for construction of house. Respondent No.2 alleges that on 27.04.2022, all the applicants asked her to bring amount of Rs. 5,00,000/- from her parents and expelled her from the house, saying that she will be taken back only if she brings the said amount.

5. On the basis of such allegations, FIR has been registered against the present applicants. Respondent No.1 has conducted the investigation and has filed charge sheet on 08.12.2022. Statements of the parents and other three witnesses i.e. maternal uncle of respondent No.2, a neighbour and another acquaintance have been

recorded. The statements of these witnesses are in tune with allegations made in the F.I.R.

5. We have heard learned Advocate for the applicants Mr. Akshay S. Jagtap, holding for learned Advocate Mr. A. N. Nagargoje, learned A.P.P. Mr. N. R. Dayama for respondent No.1/State and learned Advocate Mr. Vilas P. Sawant for Respondent No.2.

6. The learned Advocate for the applicants would submit that, the allegations against applicant No.4 to 12 are grossly inadequate to attract essential ingredients of Section 498-A of the IPC whereas the learned Advocate for Respondent No.2 argued the contrary, stating that no case is made out for interference under Section 482 of the Code of Criminal Procedure.

7. Having heard the rival submissions and on perusal of the record, we are satisfied that the principal grievance of the respondent No.2 is against her husband and his parents i.e. applicant Nos. 1 to 3. The applicant Nos. 4 and 6 are brothers of father-in-law of respondent No.2 and applicant Nos. 5 and 7 are their respective wives. Applicant Nos. 8 to 10 are cousin brother-in-law of respondent No.2 and applicant No.11 is father-in-law of cousin sister-in-law of respondent No.2. Applicant No.12 is married sister-in-law and is not residing at

her parental home i.e. matrimonial house of respondent No.2.

8. Perusal of the FIR will demonstrate that, allegations against applicant Nos. 4 to 12 are completely vague and lacking in all material particulars. The allegations are omnibus and do not attribute any individual role to any of the applicants. The statements recorded under Section 161 of the Code of Criminal Procedure are also of similar nature. As regards alleged incident dated 27.04.2022 also an omnibus allegation is levelled. Marriage of respondent No.2 was solemnized on 21.11.2021 and she is not residing with the applicants since 27.04.2022. The F.I.R indicates that applicant No.1 husband was not happy with the marriage. He had indicated to respondent No.2 his wife that he has married under parental pressure. It seems that this matrimonial discord *inter se* between applicant No.1 and respondent no.2 has resulted in implication of parental uncles and their wives as also cousin brother-in-law and married sister-in-law as also father-in-law of cousin sister-in-law in the present matter. The undisputed material on record, particularly the allegations in the FIR and statements are not sufficient to sustain criminal prosecution against applicant Nos. 4 to 12. Continuation of criminal prosecution against them will, therefore, amount to abuse of legal process. Hence, the following order :-

**ORDER**

- (i) The application is partly allowed.
- (ii) The application is disposed of as withdrawn with respect to applicant No.1-Swapnil Dhondiram Shelke, applicant No.2 Vidya W/o Dhondiram Shelke and applicant No.3 Dhondiram S/o Nanasaheb Shelke.
- (iii) The application is allowed with respect to applicant No. 4 Babasaheb Nanasaheb Shelke, applicant No.5 Suman Babasaheb Shelke, applicant No.6 Dattatraya Nanasaheb Shelke, applicant No.7 Suvarna Dattatraya Shelke applicant No.8 Dnyaneshwar Babasaheb Shelke, applicant No.9 Suhas Dattatraya Shelke, applicant No.10 Manoj S/o Babasaheb Shelke, applicant No. 11 Abasaheb Kalyan Veer, applicant No.12 Ashwini Namdeo Mote and accordingly First Information Report No. 263 of 2022, registered at Peth Beed Police Station, District Beed on 08.12.2022 and Regular Criminal Case No. 182 of 2023, pending on the file of learned Judicial Magistrate First Class Beed for the offences punishable under Sections 498-A, 323,504 read with Section 34 of the Indian Penal Code are quashed against them.

**(ROHIT W. JOSHI)**  
**JUDGE**

**(SMT. VIBHA KANKANWADI )**  
**JUDGE**