



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

CRIMINAL APPLICATION NO.4498 OF 2023

1. Sumanbai Sakharam Dipake,
age: 68 yrs, Occu.: Housewife.
R/o Santuk Pimpri, Taluka and
District Hingoli (Mother-in-law)

2. Sanjay Ashru More,
age 45 years, Occu. Service.
(Husband of Sister-in-law)

3. Sarika Sanjay More,
age 35 yrs., Occu. Housewife,
(Sister-in-law)

Applicant No.2 & 3 both
R/o Shikrapur, Taluka Shirur,
District Pune.

4. Shilpa Mohan Lokhande,
age 32 yrs., Occu. Housewife
(Sister-in-law)

5. Mohan Devrao Lokhande,
age 42 years, Occu. Service.
(Husband of Sister-in-law)

Applicant No.4 & 5 both
R/o Near Deshmukh Hotel,
Ashirwad Nagar, Parbhani.

6. Swati Sakharam Dipake,
age 30 years, Occu. Housewife,
R/o Shikrapur, Taluka Shirur,
District Pune. (Sister-in-law)

...APPLICANTS

- VERSUS -

1. The State of Maharashtra.
Through the PI,
Nanalpeth Police Station,
District Parbhani.
2. Shital Suyog Dipake,
age 34 yrs., Occu. Service (Police),
R/o Santuk Pimpri, Taluka and
District Hingoli.
At present R/o Mahatma Gandhi Nagar,
Dhar Road, Parbhani.

...RESPONDENTS

...
Shri Joslyn A. Menezes, Advocate for the applicants.
Shri N.R. Dayama, APP for respondent No.1/ State.
Shri P.S. Jadhav, Advocate h/f Shri Vijay P. Latange, Advocate
for respondent No.2.

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CORAM : SMT. VIBHA KANKANWADI
&
SUSHIL M. GHODESWAR, JJ.

DATE : 25 AUGUST 2025

ORDER (Per Sushil M. Ghodeswar, J.) :-

1. Heard the learned advocate Shri Joslyn A. Menezes
for the applicants, the learned Shri N.R. Dayama APP for
respondent No.1/ State and the learned advocate Shri P.S. Jadhav,
Advocate h/f Shri Vijay P. Latange, Advocate for respondent
No.2/ informant.

2. The applicants have approached this Court under Section 482 of the Code of Criminal Procedure challenging the FIR bearing Crime No.435/2023 registered with the Nanalpeth Police Station, Parbhani, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code. Subsequently, the Investigating Officer also filed the charge-sheet bearing No.444/2023 on 19.11.2023 in the proceedings registered as RCC No.171/2024 pending on the file of the learned JMFC, Parbhani. The applicants vide subsequent amendment, also challenged the aforesaid charge-sheet and RCC No.171/2024, the proceedings pending before the learned JMFC, Parbhani.

3. Respondent No.2/ informant has filed the FIR on 19.10.2023 against the applicants. As per the said complaint, it came to be stated that she married to one Suyog s/o Sakharam Dipake on 23.07.2008 at Parbhani. Out of the said wedlock, she is having one son aged about 11 years. Initially, her in-laws treated her properly, however, later on, they started harassing her on trivial issues. Respondent No.2 came to be appointed in police force in the year 2010 and, therefore, she along with her husband

came to reside at Parbhani. The informant also stated that her in-laws are having agricultural land admeasuring upto 17 and half acres.

It is further stated in the report that on 01.01.2016, her husband Suyog expired in road accident and since then, there are property disputes with in-laws. Thereafter, her father-in-law, namely, Sakharam also expired on 27.01.2022. The informant stated that after the death of her father-in-law, all the applicants herein, have started giving her troubles and used to tell her that she has no rights over the properties belonging to her father-in-law. They used to tell her that since she is having job, therefore, she is not entitled for any share in the agricultural property. When she used to claim the share on the behalf of her son, it is alleged that the applicants used to abuse her and also used to slap her. They used to harass her physically and mentally. They also used to threaten her and abuse her. The informant, therefore, filed the complaint to the (Mahila Cell) Women Counselling Centre against the applicants. Since the applicants/accused did not appear on any date before the said Women Counselling Centre, and as there was no compromise between them, therefore, she

lodged the report.

4. We heard Shri Joslyn A. Menezes learned Counsel for the applicants. He submitted that the allegations made in the above complaint are so absurd and improbable that there is no ground for to proceed against the applicants/ accused. He submitted that the criminal proceedings have been launched with *malafide* intention and with a view to spite them due to private and personal grudge. The learned advocate would further submit that the allegations are uncontroverted and same do not disclose commission of any offence against the applicants. He, therefore, prayed for quashing of the FIR, charge-sheet and criminal proceedings thereof.

5. *Per contra*, the learned APP Shri N.R. Dayama on behalf of respondent No.1/State as well as the learned advocate for respondent No.2/ informant have strongly opposed the application and submitted that no grounds are available for quashing the charge-sheet. According to them, on the basis of the material collected by investigation officer, the applicants are liable to face the trial.

6. We have carefully examined the report dated

19.10.2023 lodged by respondent No.2 and the final report filed by the Investigation Officer. The report filed by respondent No.2 nowhere attributes any specific role to any of the applicant accused. The allegations are thus vague and of general nature. The alleged so-called harassment stated to have started after the death of the husband and father-in-law of the respondent No.2 and that too over the property dispute. The respondent No.2 is employed in police department since 2010 and her husband unfortunately died in road accident in the year 2016. Thereafter, her father-in-law also expired in 2022. Due to the property dispute with the applicants, respondent No.2 initially approached to the Women Counseling Centre (Mahila Cell), however, since no accused applicants appeared, the report, therefore, came to be registered against the applicants for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

7. It is well settled principle laid down in cases too numerous to mention, that if the FIR does not disclose the commission of an offence, this Court would be justified in quashing the proceedings preventing the abuse of the process of

law. We have examined whether, there is *prima facie* material against the applicants so that they would be directed to undergo the trial. However, even after minute scrutiny, we did not find any such material against the applicants. The applicants' case does fall within the circumstances indicated by the Honourable Supreme Court in paragraph No.102 of its judgment in *State of Haryana vs. Bhajan Lal, (1992) Supp. 1 SCC 335*. Therefore, we are persuaded to exercise the powers under Section 482 of the Code of Criminal Procedure to prevent further abuse of process of court and for the substantial justice to the applicants. Consequently, the Criminal Application is allowed in terms of prayer clauses B and B1, which read as under:-

“B. *That the FIR bearing Cr.No.435 of 2023 lodged with the Nanalpeth Police Station, Parbhani for the offences punishable U/Sec. 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code may kindly be quashed and set aside;*”

“B1. *The Chargesheet bearing No.444 of 2023 dated 19.11.2023 in FIR bearing Cr.No.435 of 2023 dated 19.10.2023 registered with Nanalpeth Police Station for offences punishable U/Sec. 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and subsequent proceedings i.e. Regular Criminal Case (R.C.C.) No.171/2024 pending on the file of Ld. Judicial Magistrate First Class, Parbhani,*

may kindly quashed and set aside;”

8. The Criminal Application is disposed of in the above terms.

kps

(SUSHIL M. GHODESWAR, J.)

(SMT.VIBHA KANKANWADI, J.)