



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.49 OF 2024

1. Vishal s/o Manjabapu Chitale
Age: 39 years, Occu.: Service,
R/o. Valhe, Tq. Purandar,
District Pune.
2. Manjabapu s/o Sampat Chitale
Age: 63 years, Occu.: Nil,
3. Chandrakala w/o Manjabapu Chitale
Age: 55 years, Occu.: Household,
Both R/o Pimpalgaon, Tq. Pathardi,
District Ahmednagar.
4. Manisha w/o Sandip Kasar
Age: 37 years, Occu.: Household,
R/o. Kasarwadi, Tq. Pathardi,
District Ahmednagar.

.. Applicants

Versus

1. The State of Maharashtra,
Through Police Station Officer,
Topkhana Police Station,
Ahmednagar, District Ahmednagar.
2. Shubhangi w/o Vishal Chitale
Age: 25 years, Occu.: Household,
Presently R/o Bharat Bekari, Bolhegaon,
Ahmednagar, District Ahmednagar.
Mo. No.9322315514

.. Respondents

...

WITH

CRIMINAL APPLICATION NO.2099 OF 2024

Ganesh s/o Manjabapu Chitale
Age: 31 years, Occu.: Service,
R/o. Shevgaon, Tq. Shevgaon,
District Ahmednagar.

.. Applicant

Versus

1. The State of Maharashtra

Through Police Station Officer,
Topkhana Police Station,
Ahmednagar, Dist. Ahmednagar.

2. Shubhangi w/o Vishal Chitale
Age: 25 years, Occu.: Household,
Presently R/o Bharat Bekari, Bolhegaon,
Ahmednagar, District Ahmednagar.
Mo. No.9322315514

.. Respondents

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Mr. Rajendra S. Kasar, Advocate for the applicants in both the applications.
Mr. S. A. Gaikwad, APP for respondent No.1/State in both the applications.
Mr. Yogesh D. Kale, Advocate for respondent No.2 in Criminal Application
No.49 of 2024.

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 12 JUNE 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present applications have been filed initially for quashing the FIR vide Crime No.1096 of 2023 dated 01.08.2024 registered with Topkhana Police Station, Taluka and District Ahmednagar and later on, by way of amendment, for quashing the proceedings in Regular Criminal Case No.1262 of 2023, pending before the learned Judicial Magistrate First Class at Ahmednagar for the offences under Section 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. Rajendra S. Kasar for the applicants in both the applications, learned APP Mr. S. A. Gaikwad for respondent No.1/State in both the applications and learned Advocate Mr. Yogesh D.

Kale for respondent No.2 in Criminal Application No.49 of 2024. In order to cut short, it can be said that all the Advocates have made submissions in support of their respective contentions.

3. It is not in dispute that applicant No.1 in Criminal Application No.49 of 2024 and respondent No.2 got married on 11.06.2020. Applicant Nos.2 and 3 in this application are the parents of applicant No.1 and applicant No.4 is the sister of applicant No.1, whereas the applicant in Criminal Application No.2099 of 2024 is the brother-in-law of respondent No.2. After disinclination is shown to grant any relief to applicant Nos.1 to 3 in Criminal Application No.49 of 2024, learned Advocate for the applicants, upon instructions, seeks withdrawal of the application as against applicant Nos.1 to 3 in Criminal Application No.49 of 2024. There is no hurdle in allowing the same. Hence, Criminal Application No.49 of 2024 stands disposed of as withdrawn as against applicant Nos.1 to 3. Criminal Application No.49 of 2024 to proceed for the reliefs claimed on behalf of applicant No.4 only.

4. Applicant No.4 in Criminal Application No.49 of 2024 is the married sister-in-law, who should ordinarily reside with her husband in her matrimonial home. In the entire FIR, there is absolutely no mention as to why the married sister-in-law was residing with her parents at Kasar Pimpalgaon, Taluka Pathardi.

5. Another fact to be noted is that as regards applicant in Criminal Application No.2099 of 2024 - Ganesh i.e. the brother-in-law is concerned, he is in service at Shevgaon. Now, in respect of him also, it is absolutely not mentioned as to why he was residing with his parents. The allegations against the sister-in-law and brother-in-law are omnibus and appears to be with an intention to rope all the family members. The statements of witnesses are on the same line. It appears that respondent No.2 has filed application for reliefs under the Domestic Violence Act and in that petition, she has stated that her husband i.e. applicant No.1 is serving with Maharshi Valmiki Vidyalaya, Valhe, Taluka Purandar, District Pune and then she says that the other applicants i.e. applicant Nos.2 to 4 are residing with applicant No.1. That means she is including the brother-in-law to be the person staying with her husband, but then she is not making any statement that the sister-in-law used to reside with the husband and parents-in-law. The learned Advocate appearing for the applicants has rightly relied on the decision in **Kahkashan Kausar @ Sonam & Ors. v. State of Bihar & Ors., [2022 AIR (SC) 820]**, wherein Hon'ble Supreme Court has held that general and omnibus allegations cannot manifest in a situation where relatives of complainant's husband are forced to undergo trial. FIR is liable to be quashed as against them.

6. With these reasons, we proceed to pass the following order :-

ORDER

I) Criminal Application No.49 of 2024 stands disposed of as withdrawn as against applicant Nos.1 to 3 viz. (i) **Vishal s/o Manjabapu Chitale**, (ii) **Manjabapu s/o Sampat Chitale** and (iii) **Chandrakala w/o Manjabapu Chitale**.

II) Criminal Application No.49 of 2024 stands allowed in respect of applicant No.4.

III) Criminal Application No.2099 of 2024 stands allowed.

IV) The FIR vide Crime No.1096 of 2023 dated 01.08.2024 registered with Topkhana Police Station, Taluka and District Ahmednagar as well as the proceedings in Regular Criminal Case No.1262 of 2023, pending before the learned Judicial Magistrate First Class at Ahmednagar for the offences under Section 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code, stand quashed and set aside as against applicant No.4 in Criminal Application No.49 of 2024 – **Manisha w/o Sandip Kasar** and applicant in Criminal Application No.2099 of 2024 – **Ganesh s/o Manjabapu Chitale**.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm