



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 125 OF 2024

- (1) Mahesh Vilas Wale
Age:-30 Yrs. ;Occu:- Service.
- (2) Vilas s/o Gurulingappa Wale
Age:-54 yrs Occ. Agri.
- (3) Sunita w/o Vilas Wale
Age:50 Yrs., Occu. HH.
- (4) Omkar s/o Vilas Wale
Age:- 25 yrs Occ. Education.
- (5) Pooja w/o Anurag Kasture
Age:- 29 Yrs. Occ. HH
All R/o:-Kanegaon Tq. Lohara Dist.
Osmanabad.

... Petitioners

Versus

- (1) The State of Maharashtra,
Through Killari Police Station,Killari.
Tq. Ausa Dist. Latur.
- (2) Rupali w/o Mahesh Wale,
Age :- 27 yrs. Occ. HH.
R/o C/o Sanjay Madhavrao Hankune
At Post Kharosa, Tq. Ausa Dist. Latur

... Respondents

Mr. Sharad S. Halkude, Advocate for the petitioners
Mr. N. S. Tekale, APP for Respondent No.1 State
Ms. Ashwini Patil h/for Mr. S. J. Salunke, Advocate for Res. No.2

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CORAM : **SANDIPKUMAR C. MORE &
Y. G. KHOBRAGADE, JJ.**

DATE : **13th November, 2025**

ORDER :

1. Rule. Rule made returnable forthwith and heard finally at the admission stage with consent of the parties.

2. By way of this petition, the petitioners are seeking quashment of FIR bearing Crime No. 334 of 2023 registered with Killari Police Station District Latur for the offences punishable under sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code alongwith criminal proceeding arising out of the same, bearing R.C.C. No. 223 of 2024 and the order of taking cognizance dated 23.07.2024 passed therein by the concerned Judicial Magistrate First Class, Ausa.

3. Learned counsel for the petitioners submits that marriage between Petitioner No.1 husband and Respondent No.2-wife solemnized on 25.06.2020, however, Respondent No.2, since beginning, was behaving improperly with the petitioners. She was not willing to reside with the petitioners at Kanegaon Tq. Lohara Dist.Osmanabad and she used insist Petitioner No.1 to reside separately from the other petitioners. He further submitted that contents of FIR are of such nature that even if the same are taken at their face value, no offence under Section 498-A the Indian Penal Code can be established. For that purpose, he relied on the observations of the Hon'ble Apex Court in case of **Sanjay D. Jain & ors. Vs. State of Maharashtra & ors.,2025 SCC Online SC 2090**, in para No.9, which is reproduced as follow:

“9. Before examining the FIR along with the complaint of the complainant, we may refer to the parameters that are to be borne in mind while entertaining the prayer for quashing of the FIR. If the allegations made in the FIR or the complaint, even when taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out any case against the accused, quashing of the proceedings would be justified. Vague and general allegations cannot lead to forming of a prima facie case. As regards the ingredients for making out an offence punishable under Section 498-A of the Penal

Code is concerned, the requirement is that there has to be cruelty inflicted against the victim which either drives her to commit suicide or cause grave injury to herself or lead to such conduct that would cause grave injury or danger to life, limb or health. The latter part of the provision refers to harassment with a view to satisfy an unlawful demand for any property or valuable security raised by the husband or his relatives. These aspects have been considered in detail in a recent decision in *Digambar and Another* (supra) (to which one of us, B.R. Gavai, J, as he then was, was a party).”

4. The learned counsel for the petitioners further submitted that Petitioner No.5 is a married sister-in-law of Respondent No.2 and she got married prior to the marriage of Respondent No. 2 with her husband. Thus, he submitted that the allegations against the petitioners in the FIR are vague in nature and there are no particulars in respect of date and time when the alleged harassment had taken place.

5. On the contrary, learned counsel for Respondent No.2 strongly opposed the submissions made on behalf of the petitioners. According to her, Respondent No.2 has particularly stated the incidents of harassment at the hands of the petitioners. She pointed out that Respondent No.2 in fact approached Bharosa Cell and Petitioner No.1 husband had put stringent conditions on Respondent No.2 for cohabitation, which Respondent No.2 refused. She further submitted that Petitioner No.1, in fact, has filed divorce petition against Respondent No.2 with the allegations of mental cruelty and desertion, which itself show that he is not ready to cohabit with Respondent No.2. Therefore, she prayed for dismissal of the petition.

6. On going through the FIR, it is evident that there are specific allegations against first four petitioners. It is contended by Respondent

No.2 that her mother-in-law had taken out some of her gold ornaments. The FIR further reflects that Petitioner No.1 husband was initially serving in Gujarat as he has completed education of B. Pharmacy. However, thereafter, he used to harass Respondent No.2 on account of demand of Rs. Three lakhs for starting medical shop. Further, it reflects that in-laws as well as brother-in-law of Respondent No.2 were also harassing her on the aforesaid count.

7. It is significant to note that the Hon'ble Apex Court under the aforesaid observation, has laid down that a proceeding can be quashed only if vague and general allegations are made against petitioners, without necessary particulars. However, on going through the aforesaid FIR, Respondent No.2 wife stated about at least three or four incidents of her ill-treatment. There are direct allegations against first four petitioners as to how they ill-treated her. Though certain allegations are also made against Petitioner No.5, who is sister-in-law of Respondent No.2, but it is to be noted that she got married before the marriage of Respondent No.2 and at present she is residing at Pune. Further, the allegations made against her appears vague in nature and without any necessary particulars regarding date and time. Therefore, on going through the FIR and the nature of allegations made against first four petitioners, we are not inclined to grant them any relief. However, considering the vague allegations against Petitioner No.5, continuation of proceeding against her would be abuse of process of law. As such, we pass following order:

ORDER

- i. Petition of Petitioner Nos. 1 to 4 stand dismissed
- ii. FIR bearing Crime No. 334 of 2023 registered with Killari Police Station District Latur for the offences punishable under sections 498-A, 323, 506, 504, read with Section 34 of the Indian Penal Code alongwith criminal proceeding arising out of the same, bearing R.C.C. No. 223 of 2024 and the order of taking cognizance dated 23.07.2024. passed therein by the concerned Judicial Magistrate First Class, AUSA are hereby quashed and set aside to the extent of present Petitioner No.5 Pooja w/o Anurag Kasture.
- iii. Accordingly the petition is disposed of. Rule is accordingly discharged in respect of Petitioner Nos. 1 to 4 and it is made absolute in respect of Petitioner No.5.

(Y. G. KHOBRAGADE, J.)

(SANDIPKUMAR C. MORE J.)

JPChavan