

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 558 OF 2024

Dattatray Baraku Wadekar and Ors.

.... Petitioners

V/s.

The State of Maharashtra and anr.

.... Respondents

Mr. Rajiv Patil, Sr. Advocate a/w. Mr. Sameer Singh and Mr. Ojas
Kocharekar for the Petitioners.

Mr. Tanveer Khan, APP for the Respondent No.1 – State.

Mr. Vikas Shivarkar for Respondent No.2.

Ms. Uma Gawade, PSI, Talegaon Dabhade Police Station, present.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATED : 17th DECEMBER, 2025

ORDER : (PER : SHYAM C. CHANDAK, J.) :-

. Present Petition seeks quashing and setting aside of the charge-sheet No.172/2023 dated 21/12/2023 arising out of FIR No.536/2023 registered with Talegaon-Dabhade Police Station, Pimpri-Chinchwad for the offences punishable under Sections 498A, 376-B, 323, 504, 506 read with 34 of the Indian Penal Code.

2) Heard Mr. Patil, learned Senior Counsel for the Petitioners, Mr. Khan, learned APP for the Respondent No.1 – State and Mr. Shivarkar, learned Counsel for Respondent No.2 – Complainant.

3) Rule. Rule made returnable forthwith. Heard finally with consent of the parties.

4) Petitioner Nos.1 and 2 are the in-laws of Respondent No.2; Petitioner Nos.3 and 4 are the son and daughter-in-law of P1/P2; Petitioner Nos.5 and 7 are the brothers of P1; Petitioner Nos.6 and 8 are the wives of P5/P7 respectively; Petitioner No.9 is the son of P7/P8 and Petitioner No.10 is the wife of P9. The Respondent No.2 is the wife of Hemant Wadekar (son of P1/P2).

The marriage between Hemant and Respondent No.2 was solemnized in the year 2013.

5) The prosecution case is that on 17/10/2023, the Respondent No.2 filed FIR No. 536/2023 with Talegaon Dabhale Police Station, Pimpri-Chinchwad alleging that her husband and his relatives (the Petitioners) subjected her to persistent physical and mental cruelty. While the marriage was initially harmonious, disputes arose in 2021 after she discovered her husband's extra-marital affair. She claims that the Petitioners supported this affair and joined her husband in frequently insulting and taunting her for not bringing sufficient dowry. The prosecution case further states that she was forcibly driven out of her matrimonial home and compelled to live in rented premises. She further states that she was blamed for the discord, sent to her parents' home, and threatened with death or suicide by her husband, when she requested to resume cohabitation.

While a settlement was reached before the 2022 Ganapati

festival but she moved to Talegaon-Dabhale on 02/09/2022, as the reconciliation proved temporary. She alleged that despite a period of smooth cohabitation, her husband suddenly served her a notice for divorce and gradually stopped providing financial support. On 15/10/2023, he allegedly demanded a divorce in exchange for money sourced from his girlfriend and established a forcible physical relationship with the Respondent No.2 after she refused his proposal. On all these allegations, the FIR is lodged.

During investigation, police recorded the statements of the witnesses. On completion of investigation, police submitted the charge-sheet.

6) Learned Counsel for the Petitioners submitted that absolutely there is no incriminating evidence against the Petitioners. Whatever allegations of cruelty are levelled against the Petitioners, are general and vague in nature and that itself will not amount to cruelty as defined under Section 498A of the Indian Penal Code. It is submitted that Respondent No.2 and her husband resided separately from the Petitioners for a significant period. Therefore, claiming that the Petitioners caused her cruelty, does not arise. Lastly, it is argued that continuation of the prosecution arising out of the aforesaid charge-sheet, would be an abuse of process of law qua the Petitioners. Therefore, the Petition may be allowed.

7) In reply, learned APP submitted that considering the text of the FIR together with the statements of the witnesses, it is evident that the

Respondent No.2 was subjected to persistent cruelty by her husband and his relatives. The said cruelty made her life miserable which was further intensified by her husband's extra-marital affair, thereby causing her mental cruelty. It is submitted that the Petitioners supported her husband's extra-marital affair, leading her to live separately. As such, the Petitioners cannot escape the prosecution. In short, according to the learned APP, whether the Respondent No.2 was subjected to cruelty is a question of trial, which cannot be decided in this situation. Therefore, he submitted to dismiss the Petition.

Insofar as the submissions of learned Counsel for Respondent No.2 is concerned, they are consistent with the submissions made by the learned APP.

8) We have considered these submissions and examined the narration in the FIR coupled with the statements of the witnesses.

9) On such an exercise, what we find is that, although there are allegations of cruelty against the Petitioners, the said allegations are very general and vague in nature and not sufficient to constitute the act of cruelty as defined under Section 498A and 34 of the I.P.C. In fact, the report fails to describe specifically how the Petitioners supported their son's extramarital relationship. Regarding the allegations of mental and physical cruelty stemming from unlawful dowry demands, the assertions are notably vague, as no specific acts are attributed to the Petitioners beyond general claims of

taunting and insulting. Furthermore, neither the report nor the witnesses statements provide details as to how Respondent No.2 was taunted or insulted. Consequently, the material evidence against the Petitioners is insufficient to justify their continued prosecution under the said FIR.

10) Considering the facts and circumstances of the case, it appears that the Petitioners have been roped in this crime only because of the personal dispute between the Respondent No.2 and her husband.

In the wake of above, continuation of the criminal prosecution against the Petitioners on the basis of the said allegations, would be an abuse of process of law. Hence, we are inclined to allow the Petition and pass the following Order :-

(a) The C.R.No.536/2023 registered with Talegaon-Dabhale Police Station, Pimpri-Chinchwad on 17/10/2023 and the consequent charge-sheet arising therefrom, are quashed and set-aside *qua* the Petitioners.

11) Rule made absolute in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)

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