

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4473 OF 2024

Shri Vikas Dattatray Bansode	]	
Age : 30 years, Occ. Student,	]	
R/o. Shram Saphalya Niwas,	]	
Savitribai Phule Housing Society,	]	
Nandani Road, Sambhaji Nagar,	]	
Jaysingpur, District Kolhapur	]	... Petitioner

V/s.

- | | | | |
|----|--|---|-----------------|
| 1. | The State of Maharashtra |] | |
| | Through Fouzdari Chawadi Police Station, |] | |
| | Solapur. |] | |
| 2. | Sou. Pooja Suhel Bansode |] | |
| | Age : 31 years, Occ. Teacher, |] | |
| | R/o. C/o. Shri Nagraj Randive, 10A, |] | |
| | Dharmasi Line, Murarji Peth, Solapur |] | ... Respondents |

Mr. Vijay Killedar for Petitioner.

Ms. Savita M. Yadav, A.P.P. for Respondent No.1-State.

Ms. Archismati Chandramore for Respondent No.2.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 23rd June 2025.

JUDGMENT (Per : A. S. GADKARI, J.) :-

- 1) Rule. Rule made returnable forthwith and with the consent of learned Advocates for the parties heard finally.

2) By the present Petition under Article 226 of the Constitution of India, the Petitioner, younger brother-in-law of Respondent No.2, is seeking quashment of R.C.C. No. 638 of 2024 pending on the file of learned Judicial Magistrate First Class (Court No.2), Solapur, arising out of CR No. 0078 of 2024, dated 9th February 2024, registered with Faujdar Chavadi Police Station, Solapur, under Sections 498-A, 354, 504 read with 34 of Indian Penal Code, qua the Petitioner.

3) Heard Mr. Killedar, learned Advocate for Petitioner, Ms. Yadav, learned A.P.P. for Respondent No.1-State and Ms. Chandramore, learned Advocate for Respondent No.2. Perused entire record produced before us.

4) Perusal of record indicates that, Respondent No.2 had lodged the crime in question against her husband, mother-in-law, brothers-in-law and sister-in-law under the aforestated sections. The offence alleged against the Petitioner is predominantly under Sections 498A read with 34 of I.P.C..

4.1) A minute perusal of F.I.R. and other record clearly indicates that, a generic and omnibus allegation of demand of money for starting a pathology lab by the Petitioner along with other accused persons on two occasions is made. Apart from that, there is no allegation against the Petitioner in the entire Chargesheet.

5) The Hon'ble Supreme Court while dealing with situations akin to which arises in the present matter, in a recent decision in the case of *Mamidi Anil Kumar Reddy V/s. State of A.P.*, reported in 2024 SCC OnLine SC 127, in

para Nos.14 & 15 has held as under :

“14. A bare perusal of the complaint, statement of witnesses’ and the charge-sheet shows that the allegations against the Appellants are wholly general and omnibus in nature; even if they are taken in their entirety, they do not prima-facie make out a case against the Appellants. The material on record neither discloses any particulars of the offenses alleged nor discloses the specific role/allegations assigned to any of the Appellants in the commission of the offenses.

15. The phenomenon of false implication by way of general omnibus allegations in the course of matrimonial disputes is not unknown to this Court. In Kahkashan Kausar alias Sonam v. State of Bihar, [(2022) 6 SCC 599], this Court dealt with a similar case wherein the allegations made by the complainant-wife against her in-laws u/s. 498A and others were vague and general, lacking any specific role and particulars. The court proceeded to quash the FIR against the accused persons and noted that such a situation, if left unchecked, would result in the abuse of the process of law.”

6) After perusing entire record it emerges that, the allegations made against the Petitioner are generic and omnibus in nature and he has been implicated in the present crime only because he is younger brother of the husband of Respondent No.2. After applying the ratio laid down by the Hon’ble Supreme Court in the cases of (i) Kahkashan Kausar (supra) and (ii)

Mamidi Anil Kumar Reddy (supra), we are of the considered view that, the alleged crime against the Petitioner deserves to be quashed and is accordingly quashed.

- 7) Petition is accordingly allowed in terms of prayer clause (b).
- 8) Rule is made absolute in the above terms.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)

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