

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4729 OF 2024

Prasad Ganesh Namdas & Ors. ...Petitioners

 $V/s.$

The State of Maharashtra & Anr. ...Respondents

Adv. Rajendra Anbhule a/w Adv. Prabhakar B. Parse, for the Petitioners.

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

Adv. Harshad Palwe a/w Adv. Farzana Khan, for the Respondent No.2.

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

DATED : 09th DECEMBER, 2025.

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

1) Petitioners are arrayed as accused in Regular Criminal Case No.36 of 2023 arising out of the FIR bearing CR No.32 of 2023, registered with Nandgaon Police Station, Nashik Rural, under Sections 498A, 323, 504, 506 r/w. 34 of the Indian Penal Code, 1860 seeking quashing and setting aside of the proceedings in the said case. The said FIR was filed by Respondent No.2 on 21/01/2023.

2) Heard Mr. Anbhule, learned Counsel for the Petitioners, Mr. Khan, learned APP for the Respondent No.1-State and Mr. Palwe, learned Counsel for the Respondent No.2.

3) The prosecution case is that Petitioner No.1 is the husband of Respondent No.2, Petitioner Nos.2 and 3 are her in-laws, Petitioner No.4 is uncle-in-law and Petitioner No.5 is aunt-in-law, Petitioner No.6 is cousin

grandfather-in-law and Petitioner No.7 is the brother-in-law of Petitioner No.1.

4) The Respondent No.2 got married to Petitioner No.1 on 28/07/2021. After the marriage, Respondent No.2 went to cohabit in the family of her husband and in-laws. About fifteen days thereafter, Petitioner No.1 told Respondent No.2 that he does not like her. He wanted to perform second marriage and demanded her Rs.5,00,000/- to be brought from her mother. The Respondent No.2 refused to meet that demand giving the excuse of poor financial condition of her mother. Therefore, the Petitioner No.1 got annoyed and consequently started abusing & assaulting her by kicks and fists. Her in-laws used to threaten her that if she does not conduct herself as said by her husband, they would not let her cohabit happily. They used to abuse and also made her starve. There are allegations that Petitioner Nos.4 & 5 used to abuse and beat her when she complained of suffering pain in intimate areas. Petitioner No.6 used to taunt her that she became insane, and should be admitted to a mental hospital. Petitioner No.7 alleged that she herself could not behave properly in her matrimonial home. Thus, the Petitioners subjected Respondent No.2 to cruelty, and in October 2021, they abused her and drove her out of matrimonial home. Therefore, she came to her parental house at Nandgaon. Thereafter, the matter was attempted to be resolved through mediation, but the efforts went in vain.

5) On 30/12/2022, the Respondent No.2 made a complaint to Mahila Samupadeshan Kendra, Malegaon. Three meetings were held between the parties at the said centre, but it did not provide any solution. Therefore, she obtained a letter from the said centre to approach the police station and accordingly lodged an oral Report. Hence, the police registered that report at CR No.32 of 2023.

6) During the investigation, police recorded the statements of the relatives of Respondent No.2. On completion of the investigation, police submitted a charge-sheet.

7) Learned Counsel for the Petitioners submitted that the impugned FIR was filed only on account of domestic disputes and the allegations in the said Report are general and vague in nature. The alleged cruelty relates to the period from 15 days after marriage till October, 2021. However, the Report came to be lodged on 21/01/2023 i.e. much belatedly without explaining the delay. These circumstances clearly indicate that the FIR was lodged out of vengeance and only to harass the Petitioners. In this backdrop, continuation of the said proceedings would be an abuse of the process of law.

8) Per contra, the learned APP submitted that, looking at the text of FIR, it is clear that all the accused persons in furtherance of their common intention, subjected Respondent No.2 to cruelty and coercion to meet an unlawful demand of money. They also subjected her to mental and

physical harassment. The allegations in the FIR are supported by the statements of the witnesses. As such, this is not a fit case to quash and set aside the proceedings.

Learned Counsel for Respondent No.2, supported the submissions made by the learned APP.

9) We have considered the material on record i.e. the charge-sheet, the FIR and statements of the witnesses. On perusal of the narration in the FIR and the statements of the witnesses, we find that as alleged, after 15 days of the marriage, Respondent No.2 was subjected to cruelty by the Petitioners. The said cruelty pertains to a demand of Rs.5,00,000/- by the Petitioner No.1 and beating of Respondent No.2 on account of her failure to meet the said demand. However, FIR does not disclose when exactly such demand was made by the Petitioner No.1, when he beat her and what injuries she sustained on account of such alleged beating. As such, allegations as to the demand of money and beating on that account by Petitioner No.1 are really general and vague. Similarly, the allegations of abusing, beating and starvation are also vague and general in nature.

10) In the wake of above, continuation of the prosecution would serve no purpose. Hence, we are inclined to allow the Petition and pass the following Order :-

:: ORDER ::

(i) Regular Criminal Case No.36 of 2023 arising out of the FIR

bearing CR No.32 of 2023 along with subsequent charge-sheet registered with Nandgaon Police Station, Nashik Rural, under Sections 498A,323, 504, 506 r/w. 34 of the Indian Penal Code, 1860, are quashed and set-aside. No order as to costs.

(ii) The Petition is made absolute in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)