

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 4856 OF 2024

Hemlata Bhagwan Wakharkar and anr .. Petitioners
Versus
The State of Maharashtra and anr .. Respondents
...

Mr. Anuj Tiwari h/f Mr. Abhideep Khaladkar for the petitioner.
Mr. Ghanasham Jadhav for respondent no.2.
Mr. S.R. Agarkar, APP for the respondent-State.

CORAM: BHARATI DANGRE &
SHYAM CHANDAK, JJ.
DATED : 25th NOVEMBER, 2025

P.C:-

1. In continuation of our order dated 12/11/2025, the charge-sheet is placed before us.

2. Order dated 14/01/2025, recorded thus:-

“2. The contention is that there is hardly any act attributed to the Petitioners. When called upon, the learned APP submits that there are no allegations against the Petitioners.

3. Issue notice to the Respondents, returnable on 18th February, 2025. The learned APP waives service of notice on behalf of Respondent no.1.

4. Until further orders, since the chargesheet has already been filed, we request the Trial Court to adjourn the proceedings in R.C.C. No.5498 of 2024.”

3. On perusal of the charge-sheet, the position remains the same, as we find that the only accusations levelled against the two petitioners, being the in-laws of the complainant, are that whenever she complained to them about the behaviour of her husband, they

failed to take any cognizance.

There is no difference of opinion amongst the counsels at the bar that, except this accusation, there is no other material in the charge-sheet, which would justify proceeding against them in trial on the accusation of committing an offence punishable under Sections 498-A, 323, 504 read with Section 34 of IPC.

4. In the wake of the aforesaid, since continuation of proceeding against the petitioners would amount to abuse of process of law and the purport of exercise of the inherent power under Section 482 of Code of Criminal Procedure, 1973, being to prevent such abuse, we deem it appropriate to quash the subject C.R. No.262 of 2024 registered with Vimantal Police Station, Pune, resulting into R.C.C. No. 5498 of 2024, as well as the charge-sheet filed before the J.M.F.C., Shivajinagar Court, Pune, upon completion of investigation.

5. Petition is made absolute in the aforesaid terms.

(SHYAM C. CHANDAK,J)

(BHARATI DANGRE, J.)