



(1)

940 apl 108-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.108 OF 2025

Hitesh Ashok Rewatkar and others
Vs.
The State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.P. Durge, Advocate for applicants
Shri A.G. Mate, APP for non-applicant/State
Shri A.V. Lokhande, Advocate for the non-applicant No.2

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**
DATED : 16.12.2025

Present application is referred by the applicants for quashing of the First Information Report in connection with Crime No. 0692/2024 under Sections 85, 115(2), 351 (2), 352, 3(5) of the BNS. The crime is registered on the basis of a report lodged by the informant/non-applicant No. 2, on an allegation that her marriage was performed with the co-accused Hitesh Ashok Rewatkar, which was a love marriage on 16.04.2022. After marriage, she resumed cohabitation, but as it was a love marriage and no gifts or ornaments were given, she was ill-treated by her mother-in-law, i.e. applicant No.2, by abusing her and assaulting her. She further alleged that her father-in-law was in habit of

drinking liquor, and under the influence of liquor he also ill-treating her mentally by abusing her and with an ill intention. Her husband is also addicted to the bad vices of drinking liquor and was suspecting her character. She has narrated the specific instances dated 18.08.2023, October 2023, and on 20.04.2024, specific allegations are levelled against the present applicants that they used to torture her physically as well as mentally. On the basis of the said report police have registered the crime against the present applicants.

2. Heard learned Counsel for the applicants who submitted that the applicants, being in-laws and brother-in-law, a general and omnibus allegation is levelled against them, and no specific instances are narrated as far as the role of the present applicants is concerned. Thus, no *prima facie* case is made out against them, and in view of that, the First Information Report deserves to be quashed. In support of his contention, he placed reliance on the decision of the Hon'ble Apex Court in the case of ***Digambar and another vs. State of Maharashtra, 2024 SCC OnLine SC 3836.***

3. Per contra, learned Additional Public Prosecutor strongly opposed the said contention and submitted that the allegations for the offence under Section 498-A of the Indian Penal Code must be examined in the light of the provisions. The ingredients for the offence to be made out and the specific instances are narrated by the informant, which are

sufficient to show that a *prima facie* case is made out against the present applicants. In view of that, the application deserves to be rejected.

4. Learned Counsel for the non-applicant No.2 reiterated the said contentions and submitted that the specific instances not only narrated by the informant, but the other witnesses sufficiently show the involvement of the present applicants in the alleged offence.

5. On hearing both sides and on perusal of the investigation papers, it revealed that the statement of the informant was recorded, and in the said statement, she specifically narrated regarding the ill-treatment at the hands of the present applicants, especially applicant No.2, her mother-in-law. She has also narrated the role of the applicant No.3, father-in-law, and the applicant No.4, who is the brother-in-law. Not only she has narrated the act of the present applicants but also she has narrated the specific instances when she was assaulted and abused by the present applicants.

6. The ingredients of the offence are admittedly made out to attract Section 498-A of the Indian Penal Code, which requires that there has to be cruelty inflicted against the victim, which either drives her to commit suicide or causes grave injury, to herself or leads to such conduct that would cause grave injury or danger to life, limb, or health.

The second part of the section refers to harassment with a view to satisfy an unlawful demand for any property or valuable security raised by the husband or his relatives.

7. A perusal of the First Information shows that the allegations made by the non-applicant No.2, that after the marriage, which was her love marriage with the other co-accused, the mother-in-law did not like it, and as they had not received any gifts or gold ornaments in the said marriage, the harassment started to her. Specific role is attributed by her to the mother-in-law as well as to the father-in-law and brother-in-law. She has specifically narrated that on 18.08.2023, she was assaulted by all these applicants, and her child was also snatched from her, and she was driven out of the house. This incident itself is sufficient to show that she is subjected to the ill-treatment. The willful conduct of the present applicants sufficiently shows that there was an intention to drive the non-applicant No.2 outside the house, and therefore, she was constrained to leave the material house and reside at the shelter of her parents. It was clear that cruelty at the hands of the present applicants that abuses and assault is sufficient to constitute the offence. The intention of the present applicants is also reflected in her statement as well as in the statements of the other witnesses. It is not mere an allegation, or a vague statement, but it is a specific statement to the extent of the physical assault on her. At this stage, her statement cannot be disbelieved as it is also substantiated by the statements of

the other witnesses. In view of that, the *prima facie* case is made out against the present applicants, and therefore, the application deserves to be rejected.

8. At this stage, observation of the Hon'ble Apex Court in the case of ***State of Haryana and others Vs. Bhajanlal and others, 1992 Supp (1) SCC 335***, requires to be referred and more particularly Clause 1, 3 and 7 thereof :

“102.....

(1) *Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.*

(2) ...

(3) *Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*

(4)

(5) ...

(6) ...

(7) *Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”*

9. By applying the law laid down by the Hon'ble Apex Court in the above said judgment, the *prima facie* case

is made out against the present applicants, and the material, which is in the nature of a statement, is sufficient to force the present applicants to face the trial. In view of that, the application being devoid of merits deserves to be rejected. Accordingly, we proceed to pass the following order:

ORDER

The application is rejected.

(NANDESH S. DESHPANDE, J.) (URMILA JOSHI-PHALKE, J.)

Jayashree..