



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

CRIMINAL APPLICATION (APL) NO.483 OF 2025

Purushottam s/o Dnyandeo Gavhale and others
Vs.

State of Maharashtra, through Police Station Officer, Police Station
Malkapur, District Buldhana and another

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

Court's or Judge's orders

Mr. Amit Prasad, Advocate for applicants.
Mr. A. G. Mate, APP for non-applicant No.1/State.
Mr. A. M. Tirukh, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 22/12/2025

1. Present application is preferred by the applicants who are the husband, in-laws and brother-in-law of the non-applicant No.2 for quashing of the First Information Report in connection with Crime No.209/2023 registered with Police Station Malkapur, District Buldhana for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing Regular Criminal Case No.176/2023.

2. Heard learned counsel for the applicants, who submitted that the crime is registered on the basis of report lodged by the non-applicant No.2 on an allegation that her marriage was performed with the applicant No.1 Purushottam on 09.05.2019. In the said marriage, her mother has incurred

the expenses including the gold ornaments, but after marriage from the initial period, she was subjected for the physical and mental harassment by the present applicants. She alleged that she was working in Malkapur Urban Bank and on that count also, she was taunted by the present applicants, however one day everything will be smooth and on that expectation she was residing along with the present applicants, but there was no change in their behaviour and though she was pregnant, she was not taken care of in her matrimonial house. Therefore, she constrained to go her mother's house for the delivery purpose. After her delivery again she resumed the cohabitation, but the present applicants have physically and mentally harassed her. It is alleged that the applicant No.1 has also assaulted her as well as her mother by confining them in the flat and thereafter she constrained to leave the matrimonial house and lodged this report. On the basis of the said report, police have registered the crime.

3. Learned counsel for the applicants submitted that on the false, baseless and omnibus allegations, this FIR came to be lodged. In fact, the present non-applicant No.2 has filed an application for Restitution of Conjugal Rights, wherein she has not alleged all these ill-treatment at the hands of the present applicants and afterthought, this FIR came to be lodged. He submitted that as far as the applicant Nos.2 to 4 are concerned, general and omnibus allegations are levelled against them, no overt act is attributed to them. Considering all these contentions, no *prima facie* case is made out against the present applicant Nos.1 to 4. As far as the applicant No.1 is concerned, merely because there is a dispute arose between

the husband and wife, this false FIR came to be lodged against him and therefore, the application deserves to be allowed.

4. Per contra, learned APP and learned counsel for the non-applicant No.2 strongly opposed the same and submitted that considering the specific allegations levelled against the applicants, wherein specific instances are narrated by the non-applicant No.2, the *prima facie* case is made out, and therefore, the application deserves to be rejected.

5. On hearing both sides and on perusal of the entire investigation papers, as far as the applicant No.1 is concerned, admittedly, there are specific allegations levelled against him and the act of assaulting her as well as her mother is sufficient to attract the Section 498-A of IPC. She has specifically narrated the instances as far as the applicant No.1 is concerned. However, considering the applicant Nos.2 to 4 against whom only allegation is that on their instigation, he used to ill-treat her. Thus, except the allegation of instigation against the applicant Nos.2 to 4, no other specific instances are narrated by the non-applicant No.2. It is apparent that they are implicated in the alleged offence merely because they are relatives of the husband.

6. Considering the nature of the allegation against the applicant Nos.2 to 4, which is to the extent of the instigation only, we found that no *prima facie* case is made out to the extent of them. As far as the applicant No.1 is concerned, *prima facie* case is made out and therefore, the application

deserves to be allowed partly. Accordingly, we proceed to pass following order:

ORDER

(i) The application is **allowed partly**.

(ii) The First Information Report in connection with Crime No.209/2023 registered with Police Station Malkapur, District Buldhana for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing Regular Criminal Case No.176/2023 pending before the Joint Civil Judge Junior Division and Judicial Magistrate First Class, Malkapur, is hereby quashed to the extent of applicant Nos.2 to 4.

(iii) The prayer of the applicant No.1 for quashing of the FIR is hereby rejected.

The application is disposed of.

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