



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

Criminal Application (APL) No.418/2024

_____du and others V State of Maharashtra thr PSO PS Buldhana City 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. A. Sambre, Advocate for applicants.
Mr. N. Joshi, APP for non-applicant no.1.

CORAM : Nitin B. Suryawanshi &
Pravin S. Patil, JJ.

DATE : 24-02-2025.

This application is filed under Section 482 of the Code of Criminal Procedure for quashing of First Information Report (FIR) at Crime No.0574/2023 registered with Buldhana City Police Station, District Buldhana, under Sections 354, 354B, 509, 498-A r/w 34 of the Indian Penal Code (IPC), at the instance of non-applicant no.2.

ii. After arguing at length on merits, learned Advocate for applicants, when this Court expressed disinclination to grant relief to applicant no.1-father-in-law, seeks permission of this Court to withdraw the application to the extent of applicant no.1. Permission granted. Application of applicant no.1 is dismissed as withdrawn.

iii. Non-applicant no.2 lodged FIR alleging that her marriage took place with applicant no.2 on 06-06-2010 and two daughters are born out of the wedlock. Husband, father-in-law, mother-in-law and brother-in-law used to ill-treat her, as she was not giving birth to a male child. It is alleged that father-in-law used to tell her to sleep with him, to beget a male child. Incident dated 28-06-2023 is quoted in the FIR alleging that father-in-law came in her bed room and told her that she should not stay in their house as she is not begetting a male child and he outraged her modesty and touched her private part. Thereafter, she was allegedly driven out of the house.

iv. It is matter of record that applicant no.2-husband of non-applicant no.2 forwarded a legal notice on 19-12-2022, alleging that non-applicant no.2 was not ready to live in the joint family and was insisting for living separately. She was also making allegations against brother-in-law that he is having ill-intentions towards her. Applicant no.2-husband has filed divorce proceedings bearing Petition No.-A/07/2023 on 24-01-2023 in Family Court, Buldhana. It is clear that after filing of the said proceedings FIR in question is lodged.

v. Perusal of FIR and chargesheet shows that vague and general allegations are levelled against applicant nos.2 to 4. No specific instances are quoted against them except the alleged incident dated 28-06-2023, therein also allegations are made against father-in-law and general allegations are made against other applicants. FIR appears to have been lodged to give a counterblast to divorce petition filed by the husband. Therefore, continuation of prosecution against the applicants is clearly an abuse of process of law and Court. Hence, the application deserves to be allowed.

vi. In the result, First Information Report (FIR) at Crime No.0574/2023 registered with Buldhana City Police Station, District Buldhana, under Sections 354, 354B, 509, 498-A r/w 34 of the Indian Penal Code (IPC) and divorce proceedings bearing Petition No.-A/07/2023 pursuant to it are quashed to the extent of applicant nos.2 to 4.

(Pravin S. Patil, J.)

(Nitin B. Suryawanshi, J.)