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954.apl.617.20252...

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

CRIMINAL APPLICATION (APL) NO.617 OF 2025

Suraj Jagannath Pidurkar and others

Vs.

State of Maharashtra, through Police Station Rajura, Chandrapur 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. Mir Rizwan Ali, Advocate for applicants.
Mr. N. B. Jawade, APP for non-applicant No.1/State.
Mr. R. D. Hajare, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 07/11/2025

Corrected as per
Court's order
dated 25.11.2025

1. Present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No.379/2024, registered with Police Station, Rajura, Chandrapur for the offence punishable under Sections 498-A, 504 and 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing RCC No.357/2024 pending in the Court of Judicial Magistrate First Class, Rajura.

2. The applicant No.1 is the husband, the applicant Nos.2 and 3 are in-laws, applicant Nos.4 and 5 are the sister-in-laws and the applicant Nos.6 and 7 are the nearest relatives of the husband. The crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that her marriage was performed with applicant No.1 on

29.11.2021. After marriage, she resumed the cohabitation at the house of the applicants, but she was not treated well and she was subjected for physical as well as the mental ill-treatment by suspecting her character as well as assaulting her. She has specifically narrated about the incident which took place in her matrimonial house. On the basis of the said report, police have registered the crime against the present applicants.

3. Heard learned Counsel for the applicants, who submitted that a general and omnibus allegation is levelled as far as the applicants are concerned, merely because there was a matrimonial dispute arose between the applicant No.1 and the informant. The other family members are implicated in the alleged offence. He submitted that considering the nature of the allegation levelled in the FIR, no *prima facie* case is made out hence, the application deserves to be allowed and the FIR registered against the present applicants deserves to be quashed.

4. Learned APP strongly opposed for the same and invited our attention towards the recitals of the FIR and submitted that as far as the applicant Nos.1 to 3 are concerned, there is a specific allegation levelled against them and *prima facie* case is made out. At this stage, the *prima facie* material is to be looked into. In view of that, the application deserves to be rejected.

5. Learned Counsel for the non-applicant No.2 endorsed the same contention and prayed for rejection of the application.

6. After hearing both sides and on perusal of the recitals of the FIR and the investigation papers, it reveals that the allegations against the applicant Nos.1 to 3 are specific as far as the ill-treatment is concerned, which is sufficient to show that she was subjected for physical as well as mental ill-treatment at the hands of applicant Nos.1 to 3. As far as the applicant Nos.4 to 7 are concerned, they are not residing in the same house along with informant and the applicant Nos.1 to 3. They are the distant relatives and residing at various places. As far as the allegations against them are concerned which are general and omnibus in nature, merely because they are relatives of the husband. They appears to have implicated in alleged offence. In absence of the specific allegation levelled against the non-applicant Nos.4 to 7, insisting them to face the trial would be the abuse of process of law. In view of that, 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.379/2024 registered with Police Station, Rajura, Chandrapur for the offence punishable under Sections 498-A, 504 and 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing RCC No.357/2024 pending in the Court of Judicial Magistrate First Class,

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Rajura, is hereby quashed to the extent of applicant Nos.4 to 7.

(iii) The prayer of the applicant Nos.1 to 3 for quashing of the FIR is hereby rejected.

The application is hereby disposed of.

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