



Judgment

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION (APL) NO.994 OF 2023

1. Sau.Meerabai alias Devyani
Ganesh Ganjewar,
aged about 39 years,
occupation: helper and
cook, (sister-in-law of NA No.2).

2. Ganesh Narayan Ganjewar,
aged about 42 years,
occupation: driver,
both r/o Near Balaji Mandir,
Balaji Ward, Pusad,
taluka Pusad, district: Yavatmal.
(husband of sister-in-law of NA No.2). **Applicants.**

:: VERSUS ::

1. State of Maharashtra,
through its Police Station Officer,
Police Station Manora,
taluka Washim, district: Washim.

2. Sau.Sharmila @ Babita Kailash
Wawade,
aged 30 years,
r/o Dhamni (Khadi), taluka
Karanja, district: Washim,
now resided at Suresh Narayan
Mhatre, Karkheda,
taluka Manora, district: Washim. **Non-applicants.**

**Mrs.A.M.Raut, Counsel for Applicants.
Shri M.J.Khan, Addl.PP. for NA No.1/State.**

**CORAM : URMILA JOSHI-PHALKE &
NANDESH S.DESHPANDE, JJ.**

DATE : 19/12/2025

JUDGMENT (Per : Urmila Joshi-Phalke)

1. Heard learned counsel Mrs.A.M.Raut for applicants and learned Additional Public Prosecutor Shri M.J.Khan for the State. **Admit.** Heard finally by consent of learned counsel for parties.

2. The present application is preferred by applicants under Section 482 of the CrPC for quashing of FIR in connection with Crime No.0267/2023 registered under Section 498-A of the IPC and under Section 4 of the Dowry Prohibition Act, 1961 and consequent proceeding arising out of the same bearing Special Case No.90/2024 pending before learned JMFC at Manora.

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3. The crime is registered on the basis of a report lodged by non-applicant No.2 (the informant) on allegations that her marriage was performed with co-accused Kailash Rajaram Wawade on 22.3.2019. After the marriage, she resumed co-habitation. However, she was not treated well on a count that she has not brought any dowry along with her and Gold Ornaments are also not given to her. Her husband has also demanded amount from her and as she has shown her inability to pay the amount, she was physically and mentally assaulted. The applicants along with the co-accused, have assaulted the informant and have not taken care when she delivered a child. On the basis of the said report, the police have registered the crime against applicants.

4. Learned counsel for applicants submitted that considering applicant No.1 is residing at her matrimonial

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house, as her marriage was performed much prior to the marriage of the informant, there is no occasion for her to visit the house of the informant and ill-treat her. She is residing at Yavatmal district. Whereas, the house of the informant is at Washim. Merely because she is sister of the husband of the informant, she is implicated in the alleged offence. There is no willful conduct on her part. Considering the same, the application deserves to be allowed.

5. *Per contra*, learned Additional Public Prosecutor for the State strongly opposed the said contentions on the ground that considering applicants, along with other co-accused, in furtherance of common intention, ill-treated the informant, the application deserves to be rejected.

6. We have heard both the sides. Perusal of the investigation papers shows that except allegation, that

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once applicant No.1 has assaulted the informant and she has not taken care when the informant has delivered a child, no other allegation is levelled. No specific instances are narrated.

7. It is apparent that on the basis of *omnibus* and general allegation, applicants are implicated in the alleged offence.

8. Considering observations of the Hon'ble Apex Court, that now, there is a recurring tendency of implicating all family members in matrimonial offences, involvement of applicants appears to be there.

9. Considering omnibus, vague, and general allegation is levelled against applicants, no *prima facie* case is made out against applicants and, therefore, the application deserves to be allowed. Hence, we proceed to pass following order:

ORDER

(1) The Criminal Application is **allowed**.

(2) FIR in connection with Crime No.0267/2023 registered under Section 498-A of the IPC and under Section 4 of the Dowry Prohibition Act, 1961 and consequent proceeding arising out of the same bearing Special Case No.90/2024 pending before learned JMFC at Manora are hereby quashed and set aside to the extent of applicants Sau.Meerabai alias Devyani Ganesh Ganjewar and Ganesh Narayan Ganjewar.

Application stands **disposed of**.

(NANDESH S.DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)