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933 apl 1080-2023

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

**CRIMINAL APPLICATION (APL) NO.1080 OF 2023**

Vinesh S/o Tipayya Gaikwad and others

Vs.

The State of Maharashtra and another

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

Shri Mandar Deshpande, Advocate h/f shri H.M. Mohta, Advocate for applicant  
Shri N.B. Jawade, APP for non-applicant/State

**CORAM : URMILA JOSHI-PHALKE AND  
NANDESH S. DESHPANDE, JJ.**  
**DATED : 12.12.2025**

The present application is preferred by the applicants who are the husband and the sisters-in-law of the informant for quashing of the First Information Report in connection with Crime No. 33/2018, registered with Murtizapur Police Station, District Akola, under Sections 498-A, 323, 504, 506, read with Section 34 of the Indian Penal Code, and the consequent proceeding arising out of the same bearing RCC No. 192/2018.

2. The crime is registered on the basis of a report lodged by the informant on an allegation that her marriage was performed with the applicant No.1 on 21/04/2008, and she is having one son from the said wedlock. After marriage,

she resumed the cohabitation, but she was ill-treated by all the applicants for various reasons, including the reason that she is not good-looking. It is further alleged by her that, when she was pregnant, the applicant No. 1 assaulted her and also administered her the pills to terminate the pregnancy. On the basis of the side report, police have registered the crime against the present applicants.

3. Heard leaned Counsel for the applicants who submitted that as far as the allegations in the First Information Report are concerned, which are general, omnibus, and vague in nature. No specific instances are narrated by the informant. Only because they are the relatives of the husband, they are implicated in the alleged offence. There is no previous complaint till logging of this report.

4. Considering the nature of the allegations levelled against the present applicants, which are baseless. The application deserves to be allowed.

5. Learned Additional Public Prosecutor strongly opposed the same and submitted that, considering the specific allegations against each of the applicants, the application deserves to be rejected. Despite the service none appears for the non-applicant No.2.

6. On hearing both sides and on perusal of the entire investigation papers, it is revealed that as far as

applicant No.1 is concerned, there is a specific allegation, therefore, the learned Counsel for the applicant withdraws the application for applicant No.1. As far as other applicants are concerned, who are the sisters of the applicant No. 1, though some allegations are levelled against them, but no specific instances are narrated as far as the ill-treatment at their hands are concerned. It is apparent that due to the dispute between the husband and wife, which is a matrimonial dispute, all the family members are implicated in the alleged offence. Thus, considering the nature of the material collected during the investigation, no prima facie case is made out against the applicant Nos. 2 to 4. In view of that and considering the nature of the allegations, the application deserves to be allowed to the extent of applicant Nos. 2 to 4. In view of that, we proceed to pass the following order :

### **ORDER**

- i) The application is partly allowed.
- ii) The First Information Report in connection with Crime No. 33/2018, as also, the charge-sheet bearing No. 82/2018, registered with Murtizapur Police Station, District Akola, under Sections 498-A, 323, 504, 506, read with Section 34 of the Indian Penal Code, and the consequent proceeding arising out of the same bearing RCC No. 192/2018, are hereby quashed and set aside, to the extent of the applicant Nos. 2 to 4, i.e. applicant No.2 – Anita

Kishor Jadhav, applicant No.3 – Sunita Maroti Jadhav @ Sunita Suresh Jadhav and applicant No.4 – Sau. Shobha Dilip Jadhav.

iii) The application of the applicant No.1 is disposed of as withdrawn.

iv) The Trial Court shall not be influenced by the observations made by this Court, it is only *prima facie* in nature.

7. The application is disposed of in the above said terms.

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

*Jayashree..*