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

CRIMINAL APPLICATION (APL) NO.1295 OF 2021

1. Bandu Ramchandra Ganjare,
Aged about 43 Years,
Occupation : Labourer,
2. Sou. Shila Bandu Ganjare,
Aged about 38 Years,
Occupation : Household,
Both R/o Mantri Park, Washim,
Taluka and District Washim.

.... APPLICANTS

// VERSUS //

1. State of Maharashtra, Through
Police Station Officer,
Police Station, Washim (City),
Washim,
Taluka and District Washim.
2. Hemant Rajaram Dewade,
Aged about 30 Years,
Occupation : Service,
R/o. Sadegaon,
Taluka and District Parbhani.

.... NON-APPLICANTS

Mr. R. S. Kurekar, Counsel for the applicants.
Mr. N. B. Jawade, APP for non-applicant No.1/State.

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

RESERVED ON : 29.09.2025

PRONOUNCED ON : 15.10.2025

JUDGMENT : (PER : URMILA JOSHI-PHALKE, J.)

1. **Admit.**
2. Heard finally with the consent of the learned Counsel
of the parties.

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3. Present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No.642/2020 registered with Police Station Washim (City), Washim, District Washim for the offence punishable under Sections 304-B, 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and charge sheet No.29/2021 dated 27.03.2021 in Regular Criminal Case No.77/2021.

4. The non-applicant No.2 Hemant Dewade lodged the First Information Report (in short 'FIR') with Washim (City) Police Station on 15.06.2020, alleging that he is resident of Sadegaon District Parbhani and his father is an agriculturist. His sister namely Mamta got married with Gajanan Ganjare, R/o Washim on 10.06.2017. Out of the said wedlock, his sister begotten one son namely Om. The present applicant No.1 Bandu Ramchandra Ganjare is the brother-in-law and the applicant No.2 Shila Ganjare is his wife. As per the allegation, after marriage, his sister was ill-treated by the present applicants and other family members by demanding an amount of Rs.One Lakh from her parents for booking a flat. It is further alleged that she was ill-treated to the extent that her mother-in-law was beating her and her husband was also physically and mentally ill-treating her by assaulting for not bringing the amount. In the result, the death of the deceased was caused as she has consumed the

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poison. On the basis of said report, police have registered the crime against the present applicants as well as other co-accused.

5. Heard learned Counsel for the applicants, who submitted that from the recitals of the FIR as well as the various statements recorded during the investigation shows that present applicants never resided along with the deceased and her husband and in-laws, they were residing separately. The general and omnibus allegations are levelled against the present applicants merely because they are the close relatives of the husband of the deceased. As far as the recitals of the FIR are concerned, which are only to the extent that the present applicants have also ill-treated her, however, no specific instances are narrated as far as the present applicants are concerned. He submitted that considering the nature of the allegations, as the present applicants never resided along with the deceased and her husband and general allegations are levelled against them, in view of that, the FIR against them deserves to be quashed.

6. Per contra, learned APP strongly opposed the same and invited our attention towards the recitals of the FIR and submitted that prior to one day of the incident i.e. on 09.06.2020, deceased has called her father and disclosed that she is assaulted by her husband and mother-in-law, after ten

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minutes, again she called and disclosed that all the accused including the present applicants have assaulted her. Thus, there is a disclosure by the deceased prior to her death to the parents which is sufficiently attracts the offence against the present applicants and therefore, the application deserves to be rejected.

7. After hearing both sides and on perusal of the investigation papers, there is no dispute as to the fact that the applicants are residing separately, but they are residing in the same city. The statement of the informant specifically shows that after the marriage, not only the husband, but also the other in-laws were also instrumental harassing and ill-treating the deceased and he has narrated the specific instance that on 09.06.2020, the deceased has called her father and disclosed that her husband and mother-in-law were assaulting her and called him to take her back. The informant immediately started to take her back, but after ten minutes, again he received a phone call that if she came to the parent's house, then again her husband will not allow her to come back, and therefore, he did not go fetch her back. On 10.06.2020, again he received a call and deceased has disclosed that the present applicants as well as her husband and mother-in-law are assaulting her. During the investigation, the statements of other witnesses are also recorded. The statement of Rajashree Anil Kukadi also shows

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that the family members of the informant had been to the matrimonial home of the deceased to give them an understanding.

8. In the light of observation of the Hon'ble Apex Court in the case of **State of Haryana and others Vs Bhajan Lal and others** reported in **1992 Supp. (1) SCC 335** while considering the application for quashing of the FIR under Section 482 the following principles are required to be taken into consideration.

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer

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without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

9. By applying these principles, at this stage, no case is made out for quashing of the FIR, in view of that, the application deserves to be **rejected**.

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