



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

**CRIMINAL APPLICATION (APL) NO. 1362 OF 2024**

- APPLICANTS :** 1] Nakul S/o Ashok Gore,  
(Husband) Aged about 33 years,  
Occ. Private.
- (Father in law) 2] Ashok Dayalosa Gore,  
aged about 66 years,  
Occ. Private.
- (Mother in law) 3] Sou. Prabibha Ashok Gore  
Aged about 64 years,  
Occ. Household.
- (Brother in law) 4] Kushal Ashok Gore,  
Aged about 35 years,  
Occ. Private.
- (Sister in law) 5] Prajakta Kushal Gore  
Aged 35 years, Occ. Household,
- All R/o. Shankar Nagar, Pusad,  
Tah. Pusad, District District Yavatmal.

**VERSUS**

- NON-APPLICANTS :** 1] The State of Maharashtra  
Through Police Station Officer,  
Police Station, Malegaon,  
District Washim.
- (Ori. Informant) 2] Sou. Bhagyashree Nakul Gore  
Aged about 32 years,  
Occ. Househodd, R/o. Deshpande Plot,  
Malegaon, Tah. Malegaon.

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Shri V. R. Thote, Advocate for applicants.  
Shri S. A. Ashirgade, Additional Public Prosecutor for Non-  
applicant No.1.  
Ms. Prutha Masodkar, Advocate for Non-applicant No.2.  
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**CORAM : ANIL S. KILOR AND  
PRAVIN S. PATIL, JJ.**  
**DATE : 26/03/2025.**

**ORAL JUDGMENT : (PER ANIL S. KILOR, J.) :-**

1. **Rule.** Rule made returnable forthwith. By consent of learned counsel for the parties, the matter is taken up for final disposal.

2. This is a matter relating to matrimonial dispute.

3. The Non-applicant No.2 is the informant and at her instance, Crime No.274/2023 dated 20/06/2023 came to be registered with Malegaon Police Station, Dist. Washim for the offences punishable under Sections 498-A, 323 and 34 of the Indian Penal Code against the applicants. Applicant No.1 is the husband, Applicant No.2 is the father-in-law, Applicant No.3 is the mother-in-law, Applicant No.4 is the brother-in-law and Applicant No.5 is the sister-in-law of the informant. In the present matter filed under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (For short, "BNNS, 2023"), prayer is made for quashing of charge sheet and the criminal proceedings, namely RCC No.212/2023.

4. It is the case of the prosecution that the Applicant No.1 and the informant i.e. Non-applicant No.2 got married on

21/04/2022 and she suffered harassment and ill-treatment at the hands of accused/applicants. It is further alleged that the applicant Nos.4 and 5 used to suspect the character of non-applicant No.2 and harass the non-applicant No.2 physically and mentally.

5. We have heard learned counsel for the respective parties.

6. Learned counsel for the applicants submits that the allegations in the FIR are vague and there is no material found against the applicants showing the complicity of the applicants in the alleged offence. He submits that the Hon'ble Supreme Court of India, time and again observed that the tendency to rope the family members of the husband in such matters is on increase. He submits that the applicants have been falsely implicated in the alleged offence.

7. On the other hand, learned counsel for the non-applicant No.2 strongly opposed the application and pointed out the statement of the witnesses including the statement of the non-applicant No.2 recorded by the Investigating Agency during the investigation. It is argued that there are specific allegations made in the complaint as well as instances are narrated in the statements showing ill-treatment meted out to her. He accordingly submits that as there is sufficient material to prima facie suggest the involvement of the applicants in

the alleged offence, this Court may not entertain the present application for quashing of FIR.

8. Learned APP for non-applicant No.1 reiterates the submission of the learned counsel for the non-applicant No.2 and prays for dismissal of the present application.

9. In the above referred backdrop, we have perused the charge sheet with the help of learned counsel for the respective parties.

10. After going through the charge sheet carefully, particularly the FIR, the statements of the non-applicant No.2 and Manda Balchandra Dahale, we have no hesitation to say that there are allegations which would attract the offence under Sections 498-A, 323 and 34 of the IPC against the applicant Nos.1 to 3.

11. However, at the same time, we are of the opinion that, the allegations against the Applicant Nos.4 and 5 who are residents of Chhatrapati Sambhaji Nagar are vague.

12. The Hon'ble Supreme Court of India in the case of Kahkashan Kausar alias Sonam and others Vrs. State of Bihar and others, reported in (2022) 6 SCC 599 has observed that the

allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resides would have an entirely different complexion and in such matters, the allegations in the complaint are required to be scrutinized with great care and circumspection.

13. Thus, as far as Applicant Nos.4 and 5 are concerned, as we have observed that they are residents of Chhatrapati Sambhaji Nagar and the allegations against them are vague. In absence of sufficient material, prima facie against the Applicant Nos.4 and 5, we are of the opinion that the proceeding needs to be quashed and set aside against the Applicant Nos.4 and 5.

14. However, there are specific allegations against the Applicant Nos.1 to 3. It is categorically stated in the statement that the applicant Nos.2 and 3, in-laws repeatedly asked the informant to bring all the ornaments from her parental house and for that, they ill-treated her and even did not provide meal to her. Thus, considering the specific allegations against the Applicant Nos.1 to 3, we are not inclined to accept the prayer for quashing of the proceedings against them.

15. In the circumstances, the application is allowed to the extent of Non-applicant Nos.4 and 5 and it is rejected against the Applicant Nos.1 to 3.

16. Needless to mention that the findings recorded by this Court are prima facie in nature and the Trial Court shall not get influenced by the same.

17. Rule is made absolute in the above terms.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)