



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

CRIMINAL APPLICATION (APL) NO.348 OF 2024

1. Pushkar S/o Bhikanrao Randhumal, Aged about 39 years, Occupation-Service, R/o S.R.P.F., Group No.14, Ashwini Building, Satara Parisar, Chhatrapati Sambhaji Nagar, District Chhatrapati Sambhaji Nagar (Maharashtra).
2. Bhikanrao S/o Nafar Randhumal, Aged about 75 years, Occupation-Farmer, R/o Javkhede, Tah. Amalner, District-Jalgaon (Maharashtra).

...Applicants

// VERSUS //

1. State of Maharashtra, Through Police Station Officer, Police Station, Chikhali, Tah. Chikhali, District- Buldhana.
2. Sau. Kalapana W/o Pushkar Randhumal, Aged about 29 years, Occu. Private work, R/o Shelgaon Jahangir, Chikhali, Tah. Chikhali, District-Buldhana.

... Non-applicants

Mr I.S. Charlewar, Advocate for Applicants.
Mr A.R. Chutke, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.
DATE : 06/05/2025

ORAL JUDGMENT (Per : Anil S. Kilor, J.)

1. Heard.

2. **RULE.** Rule is made returnable forthwith. Heard finally by consent of the parties.

3. This is an application filed under Section 482 of the Code of Criminal Procedure for quashment of First Information Report (hereinafter referred to as "FIR") No.63 of 2024 dated 24.01.2024 registered with Police Station Chikhali, Dist. Buldhana, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

4. The learned counsel for the applicants submits that all the allegations about the ill-treatment and harassment at the hands of the accused are vague and generalized one and there is no evidence of such harassment or ill-treatment. He submits that, the non-applicant No.2 left the company of the applicant on 03.11.2023 and thereafter, the complaint came to be lodged on 24.01.2024. He therefore submits that, there is a delay in lodging the report. He further submits that, to pressurize the applicants they have been falsely implicated in the alleged offence. He, accordingly, prays for quashing of the FIR in question.

5. On the other hand, learned A.P.P. submits that, there are specific allegations against the applicant No.1 and if those are taken on its face value, the alleged offence constitutes against the applicant No.1.

He further submits that, there are also allegations against the applicant No.2. He therefore prays for dismissal of the present application.

6. In light of the rival submissions, we have perused the contents of the FIR and from the same, it is evident that, the complainant/non-applicant No.2 made allegations about ill-treatment and harassment meted out by the accused persons including the applicant No.2. The applicant No.1 is the husband and applicant No.2 is father-in-law. The age of the father in law is 75 years.

7. As far as the delay is concerned, as argued by the learned counsel for the applicants, though non-applicant No. 2 left the company of applicant No. 1 in November 2023, she has explained the delay by stating in the complaint that she waited for applicant No.1 to come and take her and children back to the matrimonial home. However, when applicant No. 1 did not turn up to take back her and the children, she decided to lodge the complaint against the ill-treatment and harassment she suffered.

8. Having gone through the contents of the FIR about the demand of dowry and also demand of money to purchase the plot. There are allegations against the applicant No.1 about physical and mental torture.

9. Considering the allegations against the applicant No.1, we find substance in the submission of the learned A.P.P. that the offence constitutes against the applicant No.1.

10. As far as applicant No.2 is concerned, we have already observed that, he is 75 years old and even the allegations made in the FIR are considered, the same are vague and generalized and even if those are taken on its face value, no offence constitutes against the non-applicant No.2.

11. In that view of the matter, complaint against the non-applicant No.2 is found to be vexatious. Hence, we are of the opinion that the applicant No.2 cannot be compelled to face the trial otherwise it would amount to abuse of process of law.

12. Even though the argument of the learned counsel for the applicants is accepted that two non-cognizable offence were registered against the non-applicant No.2, considering the nature of the allegations and only because two non-cognizable offence were registered, it cannot be said that no offence constitutes against the applicant No.1. Accordingly, we pass the following order :-

- i) The Criminal Application is **partly allowed**.
- ii) The Criminal Application against applicant No.1 – Pushakar S/ o Bhikanrao randhumal, is **rejected**.
- iii) The Criminal Application is allowed in favour of Applicant No.2 – Bhikanrao S/o Nafar Randhumal, and thereby First Information Report No.63 of 2024 dated 24.01.2024 registered with Police Station Chikhali, Dist. Buldhana, for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code against, is hereby quashed and set aside.

Rule is made absolute in above terms. No costs.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

C.L.Dhakate