



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

CRIMINAL APPLICATION (APL) No.10 OF 2025

(Ujawala Vishwas Dutonde and another Vs. The State of Maharashtra, through PSO, P.S.
Khadan, Distt. Akola and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A.M. Tirukh, Advocate for Applicants.
Mr. G.S. Umale, APP for Respondent No.1.
Ms. Sneha Padwekar, Advocate for Respondent No.2 (Appointed).

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.

DATE : 2nd MAY, 2025.

1. This is an application filed under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for quashing of F.I.R. No.748 of 2024, dated 5.10.2024, registered with Police Station Khadan, Akola for the offence punishable under Sections 323, 498-A, 504 and 34 of the Indian Penal Code.

2. The applicants are sisters-in-law of the respondent No.2. The F.I.R. is sought to be quashed and set aside on the ground that the allegations against the applicants are vague and generalized one. It is further argued that the complaint is vexatious and filed with an oblique motive to settle the score. It is further submitted that the applicants have been falsely implicated in the alleged offence to harass them.

3. On the other hand, learned A.P.P. and learned counsel for the respondent No.2 strongly opposed the application. Learned counsel for respondent No.2 submits that the allegations made in the report are not vague but they are specific and further since the investigation is going on at this

stage this Court may not interfere with investigation or to interdict the same.

4. In the light of rival submissions we have perused the contents of the F.I.R. It is evident that against the applicants the only allegations are of instigation. It is alleged that the applicants used to instigate the husband of the respondent No.2 and he used to beat her on petty issue. Thus, except the allegations of instigation there is no allegation satisfying pre-requisites of Section 498-A of the Indian Penal Code. Further the allegations are vague and no details are given about the date of incident and the other relevant things.

5. In that view of the matter, we find substance in the submission of learned counsel for the applicants that the complaint came to be made against the applicants with an intention to harass the applicants. In that view of the matter, if the applicants are forced to face the trial, it would amount to abuse of process of law. In the circumstances, we pass the following order :

ORDER

(i) The application is allowed.

(ii) The F.I.R. No.748 of 2024, dated 5.10.2024, registered with Police Station Khadan, Akola for the offence punishable under Sections 323, 498-A, 504 and 34 of the Indian Penal Code is hereby quashed and set aside.

(iii) The application is disposed of.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)