IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1656 OF 2024

1. Mahesh Kishanrao Zade
2. Jyoti Narendra Khandagale ...Applicants

Versus

The State of Maharashtra & Another ...Respondents

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Mr. S. S. Rathi, Advocate for the Applicants
Mr. A. R. Kale, APP for the Respondent No. 1 – State
Mr. M. P. Kale, Advocate for the Respondent No. 2

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CORAM : R.M. JOSHI, J
DATE : NOVEMBER 19, 2026

P. C. :

1. By this Application filed under Section 482 of the Code of Criminal Procedure, 1973, the present Applicants seek quashment of First Information Report in Crime No. 268 of 2023, dated 04.08.2023, registered with Nava Mondha Police Station, District Parbhani, for offences punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code (for short "IPC") so also charge-sheet bearing No. 245 of 2023, dated 05.10.2023 and order issuing process dated 19.10.2023 passed by learned Judicial Magistrate First Class, Parbhani in R.C.C. No. 753 of 2023.

2. The case of the prosecution is that the informant on 03.06.2011, married accused Kishor Kishanrao Jhade and has twins out of

this wedlock, one of which is a special child. At the time of marriage, the father of the Informant provided the accused with Rs. 15,00,000/- as marriage expenses and 500 grams gold in the form of dowry. It is alleged that after the twins were born her husband and in-laws specifically her father-in-law Kishanrao Jhade, mother-in-law Chhayadevi Jhade, brother-in-law Mahesh Jhade (present Applicant No.1), and sister-in-law Jyoti Khandagale (present Applicant No. 2) subjected her to physical and mental cruelty over alleged deficiencies in household work and cooking, doubts regarding her mental health, and repeated monetary demands, including a demand of Rs. 20,00,000/- for purchasing a plot, business, and constructing a house. It is alleged that despite her father earlier providing the accused with substantial sums at different stages, the accused persisted in their demands, subjected her to abuses, slaps, kicks, confinement, and starvation, and accused her of being mentally unstable. During the Diwali festival of 2022 and two days thereafter, the accused again demanded ₹10,00,000, assaulted her, denied her food, drove her out of the matrimonial home with her children, and threatened to kill them if she returned, compelling her to take shelter at her parental home. A medical examination by Dr. Solapurkar at Nanded reportedly found no mental illness, while efforts to reconcile through calls to her in-laws and proceedings before the Bharosa Cell, Parbhani, did not result in her resumption of cohabitation, leading to the lodging of the present FIR at Nava Mondha Police Station. After completion

of investigation, charge-sheet came to be filed and order of issuance of process came to be passed.

3. Learned counsel for the Applicants submits that Applicants are innocent persons and they have not committed any offence. It is submitted that allegations levelled against the present Applicants are vague and omnibus and lack specificity. It is submitted that all the allegations are made against the Accused No. 1 and no single instance has come on record to connect the present Applicants to the crime. It is submitted that the Applicant No. 1 is residing in United States of America since 2014 and so far as the Applicant No. 2 is concerned, she married in the year 2008, prior to the marriage of the Informant and she is residing with her husband in Bangaluru. It is further submitted that the Informant is residing with her parents since the year 2016. He drew attention of the court to the complaint made to the Bharosa Cell and argued that the complaint lacks the allegations made in FIR and the FIR is just an afterthought. Lastly, it is submitted that the as far as the present Applicants are concerned the criminal machinery is set into motion just to harass the present Applicants and to wreak vengeance against the husband and his relatives.

4. Learned APP and learned counsel for the Informant strongly opposed the grant of any relief to the Applicants owing to the seriousness and nature of the offence. They submit that the Applicants have played the

equal role play as that of the other accused persons.

5. Perusal of the record indicates that the Applicant No. 1 is a married brother-in-law and is a resident of USA since 2014, Applicant No. 2 is sister-in-law who married in the year 2008 whereas the marriage of the Informant is of the year 2011, both have admittedly never resided along with the Informant. Furthermore, allegations made against the Applicants are lack specific overt acts attributable to the Applicants in order to constitute an offence. As far as the allegations at the time of Diwali festival in the year 2022 are concerned, it is specifically stated by the Informant before the Bharosa Cell that in that year Diwali was celebrated in her parental home and not matrimonial home. No more evidence is required to discard the said allegations against the Applicants.

6. As per the judgment of the Hon'ble Apex Court in case of ***Geeta Mehrotra v. State of U.P.*** *(2012) 10 SCC 741,* relatives which are residing separately cannot be forced to face trial under Section 498-A of IPC based on vague and sweeping allegations. Therefore, this court finds substance in the contention of the Applicants that they are falsely implicated just to cause the harassment which amounts to abuse of process of law. Therefore, this court is of the view that the case in hand, is squarely covered by principles laid down in case of ***State of Haryana and Another Vs. Bhajanlal and Another*** (1992) 1 Supp SCC 335. Thus, this is a fit case for quashment of

FIR and subsequent proceedings arising out of the same.

7. In view of the above, Application stands allowed in terms of prayer clauses **'B'** and **'C-2'.**

(R. M. JOSHI, J.)

Malani