IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 CRIMINAL APPLICATION NO. 2234 OF 2025

ASHISH ARVIND CHAVAN ….APPLICANT

VERSUS

1. THE STATE OF MAHARASHTRA,
THR. SHEWALI POLICE STATION,
TQ. JALNA, DIST. JALNA

2. CHANDA W/O ASHISH CHAVAN ….RESPONDENTS

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Mr Ajinkya Reddy, Advocate for Applicant
Mr V. M. Lomte, APP for Respondent No.1/State
Ms Sarika Maru-Tekale, Advocate (appointed) for Respondent No.2

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 27th OCTOBER, 2026

P. C. :

1. Though respondent No.2 is served in April 2026, nobody appears on her behalf. Therefore, Ms Maru, learned Advocate is hereby appointed to represent respondent No.2. She was handed over the copy of all papers in respect of this application, and within a very short span of time, she prepared the matter.

2. Heard learned Advocate for the applicant, learned APP for respondent No.1 and learned Advocate appointed for respondent No.2

3. By this application, the applicant is seeking quashing and setting aside the FIR bearing Crime No.0006/2024, registered against him on 25/01/2024 at the behest of respondent No.2/informant with the Shewali Police Station, Tq. Jalna, District Jalna, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequential Charge-Sheet in proceedings bearing R.C.C. No.100/2024, registered with Judicial Magistrate First Class, Mantha, Dist. Jalna.

4. Initially, the aforesaid FIR was registered against applicant, his in-laws and distant relatives. However, his relatives had filed Criminal Application No.4028/2024 before this Court for quashing and setting aside the said FIR against them. This Court, vide order dated 09/05/2025 has allowed their application.

5. As per the report lodged by respondent No.2, her marriage with applicant/husband was solemnized on 14/05/2007. It is alleged that, after her marriage, initially respondent No.2/wife was treated well and out of the said wedlock, one child is born in the year 2010. However, the husband and his relatives used to physically assault and abuse her on account of petty issues. The husband also used to doubt her character and subjected her to continuous mental cruelty. It is also

alleged that the applicant demanded Rs.5,00,000/- for purchasing a vehicle. Applicant was also demanding ATM card of her Bank Account. The in-laws of applicant used to support her husband and instigate him, and therefore, he used to harass her. It is also alleged by respondent No.2 that she was driven out of matrimonial house by her husband and since then she is living with her brother. Though there was attempt of conciliation at the Women Grievance Redressal Cell, Jalna, however, same was not fruitful. As such, the aforesaid FIR came to be registered at the behest of respondent No.2.

6. Learned Advocate for the applicant submits that, the allegations of demanding amount for purchasing a vehicle were raised in the year 2010, whereas respondent No.2/informant has alleged her grievance after a period of 14 years i.e. in the year 2024. He further submits that respondent No.2 had filed a complaint before the Bharosa Cell, Jalna on 19/10/2023, however, the said allegation of demanding amount for purchasing a vehicle was not made in the said complaint. Moreover, there is also allegation in the said complaint before the Bharosa Cell against the applicant as regards having illicit relationship of her husband with other women, however, the said allegation was not appearing in the FIR in question. He, therefore, submits that, in such

circumstances, continuation of criminal proceedings against the applicant would be abuse of process of law. He, therefore, prays for quashing and setting aside the FIR and the consequential criminal proceedings filed against the applicant by allowing the present application.

7. Per contra, the learned APP appearing for the respondent No.1/State and learned Advocate appointed for respondent No.2 strongly opposed the instant application. They submit that sufficient material is available against the applicant. According to them, the allegations have been made against the present applicant of harassing respondent No.2 on account of demand of money for purchasing of a vehicle. According to them, sufficient allegations have been made against the applicant and he has played major incriminating role in the crime in question. They draw attention of this Court to the various statements of the witnesses and the material recorded against the applicant. According to them, there are specific allegations against the applicant of demanding money for purchasing a vehicle and harassment to the informant. They, therefore, submit that the applicant is required to be prosecuted before the trial Court for having committed serious crime against respondent No.2 and he does not

deserve any relief from this Court. Hence, they pray for rejection of the instant application.

8. After going through the FIR in question as well as the statements recorded by the Investigating Officer, it is found that marriage of the informant with applicant/husband was solemnized on 14/05/2007 and out of their wedlock, one child is born in the year 2010. The FIR has been lodged as a result of matrimonial differences between the husband and wife against all the relatives of the husband. However, this Court has quashed the said FIR against the in-laws and distant relatives of the husband of the informant. It is also found that respondent No.2 had filed a complaint before the Bharosa Cell, Jalna on 19/10/2023, however, the allegations of demanding amount for purchasing a vehicle was not made in the said complaint. It is also required to be noted that the allegation of demanding money for purchasing vehicle was of the year 2010, and after a period of 14 years, she has lodged report alleging the said issue. She was also appeared before the Women Grievance Redressal Cell, Jalna for conciliation, however, it was not fruitful, and therefore, she has lodged the complaint.

9. Upon perusal of the FIR as well as charge-sheet and the entire record, it is found that the allegations against the applicant are found to be vague and general in nature. Therefore, such bald allegations and individual involvement of applicant in the crime, are insufficient to justify the continuation of criminal prosecution against him. Neither the contents of the FIR nor the statements recorded by the Investigating Officer disclose any specific overt act on the part of the applicant so as to attract the provisions of the penal sections invoked against him.

10. In view of the aforesaid discussion, it is found that the allegations in the FIR do not disclose any involvement of the applicant. Therefore, in order to prevent an abuse of process of the Court and to secure the ends of justice, the instant application deserves to be allowed and the criminal proceedings against the applicant deserve to be quashed and set aside. Hence, the following order:

ORDER

(a) The Criminal Application is allowed.

(b) The FIR bearing Crime No.0006/2024, registered against the applicant on 25/01/2024 at the behest of respondent No.2/informant

with the Shewali Police Station, Tq. Jalna, District Jalna, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequential Charge-Sheet in proceedings bearing R.C.C. No.100/2024, registered with Judicial Magistrate First Class, Mantha, Dist. Jalna, are hereby quashed and set aside.

(c) The learned Advocate for respondent No.2 is appointed by this Court. Therefore, her fees be quantified and paid to her as per Rules, by the High Court Legal Services Sub-Committee, Aurangabad.

[SUSHIL M. GHODESWAR, J.]

sjk