IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 CRIMINAL APPLICATION NO. 4816 OF 2024

KRUSHNA S/O MARUTI JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...

Mr. Mahesh S Bhosale, Advocate for Applicants
Mr. Ram Shinde, Advocate for Respondent No.2 (appointed through Legal Aid)
Ms. R. R. Tandale, APP for the Respondent/State

CORAM : R. M. JOSHI, J.
DATED : 2nd NOVEMBER, 2026

PER COURT :-

1. This Application filed under Section 482 of the Code of Criminal Procedure, 1973, the Applicants seek quashment of First Information Report in Crime No. 0498 of 2023, dated 15.09.2023 registered with Shivajinagar Police Station, District Beed, for offences punishable under Sections 323, 498-A, 504 and 506 read with Section 34 of the Indian Penal Code (for short "IPC") so also charge-sheet bearing No. 224 of 2023 dated 16.11.2023 and order dated 21.11.2023 taking cognizance and issuing process passed in R.C.C. No. 700 of 2023 before learned Judicial Magistrate First Class, Beed.

2. The marriage of the Informant was solemnized with the accused husband, Krishna Maruti Jadhav, on 05.09.2007 according to custom. For the

initial five years, the marital life was cordial, after which the accused husband, father-in-law (Maruti Jadhav), mother-in-law (Kushiverta Maruti Jadhav), and brother-in-law (Pramod Maruti Jadhav) subjected the Informant to physical and mental cruelty, continuous harassment, and abuse and the accused husband coerced her into fetching an amount of ₹5,00,000/- from her parents for the purchase of a house, alongside issuing threats to her life. It is her case that for the sake of children, she kept tolerating the assault and harassment. The harassment escalated when, on 15.09.2023 at around 09:00 AM, the accused husband and brother-in-law inquired about the fulfillment of the monetary demand. Upon the Informant's inability to meet the demand due to her parents' financial constraints, the accused husband and brother-in-law physically assaulted her using kicks, fists, and slaps and the accused husband demanded divorce, the accused persons kept her starved, and ultimately drove her out of the matrimonial home, thereby leading to the lodging of the present FIR. After completion of investigation charge-sheet came to be filed and thereafter the learned Judicial Magistrate First Class, Beed passed the order taking cognizance and issuing process against the Applicants.

3. The learned Counsel for the Applicants submits that the FIR does not disclose *prima facie* case against the Applicants and allegations levelled

against the Applicants are completely false and fabricated. He submits that the blanket and general allegation against the relatives of the husband is the abuse of process of law. It is alleged by the Informant that the demand of money was from the parents of the Informant through the Informant however, there is no statement of parents of the Informant in the charge-sheet to support the said allegation and there is no independent witness in the charge-sheet. It is further submitted that at the time of registration of FIR, the Applicants and the Informant were not living together. He draws attention of this court to the station diary entry which shows that the Informant asks Investigating agency not to record the statements of the parents of the Informant since she is not in talking terms with them. This fact itself shows that the allegations made in the FIR are completely fabricated false and a concocted story. Furthermore, he points out the statements of the children which show that the Informant herself is not behaving properly with the Applicants.

4. He further submits that Applicant Nos. 2 and 3 are residing separately from the residing place of the Informant and Applicant No. 4 is residing in Pune and there is no occasion for Applicant Nos. 2 to 4 to meet the Informant. Therefore, he submits that they, for the reason being relatives of the husband shall not be roped into the crime on basis of vague and general

allegations. To support this contention, he relied on a judgment of the Hon'ble Supreme Court in case of ***K. Subba Rao Vs. State of Telangana (2018 (14) SCC 452)***. He submits that the time and place of the incident is not provided and the allegations do not satisfy the ingredients of Section 498-A of IPC. Lastly, he submits that there is unexplained delay in lodging of FIR and it is registered only with the intent of harassing the Applicants.

5. Learned APP and learned Counsel for the Informant strongly oppose the grant of any relief to the Applicants by submitting that the offence is serious in nature and it is clear for the material on record that the Applicants have abused, assaulted and harassed the Informant.

6. Perusal of material on record and the statements recorded during the course of investigation indicate that the Applicants are living separately. Furthermore, the statements of the children clearly and unequivocally show that it is the Informant whose behaviour is not proper with the children and the Applicant No. 1 i.e. husband and therefore they deny to stay with the Informant. It is pertinent to note that the Applicant Nos. 2 to 4 are residing separately and have no concerned with the day-to-day affairs of the couple, therefore, as per the judgement 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 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.

7. It is seen from the record that the statements of the parents of the Informant are not recorded by the Investigating agency as per the request of the Informant, this conduct of Investigating agency is questionable and shocking to see such lack of diligence at the hands of Investigating officer to omit recording of statements of such material witnesses of the case. Nevertheless, in the facts of the case doubt is about the genuineness of the allegations and also about the fairness of the investigation. Thus, in such circumstances, if the proceedings are not quashed and Applicants are called upon to undergo rigors of trial, it would amount to abuse of process of law.

8. In view of the above, the Application stands allowed in terms of prayer clauses **'B'** and **'E'**.

(R. M. JOSHI, J.)

ssp(ash)