IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4433 OF 2023

1. Sayankabai Bhagwan Patil
2. Surekha Balasaheb Patil
3. Balasaheb Suryakant Patil ...Applicants

VERSUS

1. The State of Maharashtra
2. Ratnabai Kishor Patil ...Respondents

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Mr. Gajanan S. Shembole h/f Mr. V. S. Patil, Advocate for Applicants
Mr. N. R. Dayama, APP for Respondent – State
Ms. Meenal S. Deshmukh, Appointed-Advocate for Respondent No. 2

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CORAM : R. M. JOSHI, J.
DATE : 13th OCTOBER, 2026

PER COURT :-

1. This Application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "CrPC") the present Applicants seek quashment of First Information Report in Crime No. 0258 of 2023 dated 20.08.2023 registered with Dondaicha Police Station, District Dhule, for offences punishable under Sections 302 read with Section 34 of the Indian Penal Code (for short "IPC") as against the Applicants so also charge-sheet dated 21.10.2024 in R.C.C. No. 105 of 2024, for the offences punishable under sections 498-A and 306 read with Section 34 of IPC.

2. The case of the prosecution is that the accused persons Accused No. 1

(husband), Accused No. 2 (mother-in-law) present Applicant No.1, Accused No. 3 (sister-in-law) present Applicant No. 2 and Accused No. 4 (husband of the sister-in-law) present Applicant No. 3, subjected the Informant's married daughter, Madhuri, to continuous physical abuse, domestic cruelty and eventually killed her. The deceased married Accused No. 1 around 14 years ago. From the very beginning of their marriage, Accused No. 1 used to cause harassment demanding a motorcycle and cash from her maternal home, while taunting her appearance and claiming the husband had kept another woman. The Applicant No. 1 actively instigated Accused No. 1 to cause such harassment, whereas Applicant Nos. 2 and 3 frequently visited the matrimonial home and beat the deceased, and despite all, deceased kept enduring the abuse for years, for the sake of her two children. Prior to one and a half years the accused attempted to take the life of the deceased by hanging her, thereafter she filed a complaint with Mahila Mandal, Dhule, however, for the sake of the children she did not take any further action.

3. On 15.10.2022, the deceased informed the Informant that Accused Nos. 1 and 2 are beating her and they are threatening to hang her. On the next day, a shopkeeper called the Informant telling the Informant that the Accused No.1 is beating the deceased and they should rush to their home soon. The said abuse culminated to the unfortunate incident when the accused locked the door, severely beat her, and murdered her by hanging her with a scarf, subsequently placing her body in the bathroom to stage it as a suicide and

destroy evidence. Following the incident, local police allegedly refused to register a cognizable offense or take proper action despite multiple written complaints submitted to local stations, forcing the complainant to approach the court for seeking investigation in the matter. The Court, under Section 156(3) of CrPC, directed the investigation agency to conduct the investigation and to file report thereafter. After completion of investigation, on 21.10.2024 charge-sheet came to be filed.

4. The Learned Counsel for the Applicants submits that the Applicants are innocent and are falsely implicated in the present case. There is no evidence neither any recovery nor any eye-witness to *prima facie* show that the Applicants have committed the alleged offence, moreover, even if the allegations in the FIR against the present Applicants are considered to be true, no essential ingredient of the alleged offences is met. He further submits that Applicant No.1 is a seventy-year-old lady and Applicant No. 2 and 3 were not residing with the deceased. He submits that the Applicants never assaulted the deceased and the death of the deceased is clearly by suicide since there were no such injuries on her body as per the PM report and submits that the death is caused due to hanging and not by strangulation. Lastly, he submits that there is delay of ten months in filing the complaint and the same is an abuse of process of law and used as a tool to harass the Applicants.

5. Learned APP and Learned Counsel for Respondent No. 2 submits that the

application for quashing deserves to be dismissed since the offence is serious in nature. FIR clearly shows *prima facie* case of cruelty, harassment and dowry demands eventually leading to murder of the deceased. It is further submitted that the FIR does not contain mere general statements, but explicitly details specific acts of harassment, physical assault and attempt to commit murder. It is admitted that the Applicant Nos. 2 and 3 were residing separately, however it is contended that the said fact does not automatically absolve them from the offence committed since they actively involved in the commission of the alleged offences. They submit that the delay in filing of the complaint was a result of non-cooperation by the investigating agencies and was not a wrong on part of the Informant since she tried lodging the FIR several times but failed leading to lodging of the complaint before the trial Court.

6. Perusal of the record and statements recorded during investigation shows that there are specific allegations against the husband of causing harassment and physical abuse to the deceased and also demand of dowry. As far as the present Applicants are concerned, there are vague statements at the instance of the sister of the deceased indicating the allegations against the Applicants. However, these allegations are so vague that they cannot sustain during the course of trial.

7. Furthermore, Statement made by the deceased herself in the complaint made in the year 2021 before Bharosa Cell does not indicate any allegation

levelled against the Applicants of causing assault. The Applicant Nos. 2 and 3 are residing separately distant from the matrimonial home and there are no specific allegations attributable to the said Applicants. It is well-settled that a criminal prosecution under Section 498A of the IPC cannot be sustained against family members on the basis of general and uncorroborated assertions without concrete details regarding time, place, and individual participation. Moreover, there is absolutely no evidence to indicate any instigation on the part of the Applicants to drive the deceased to commit suicide. The essential ingredients of the Section 107 of IPC to constitute abetment to suicide are not fulfilled against the Applicants.

8. In the facts of the case, this Court is of the view that the allegations made in the FIR against the present Applicants are vague and lack specific overt acts and hence FIR liable to be quashed. On the basis of such allegations, if the Applicants are called upon to undergo rigors of trial, it would lead to miscarriage of Justice.

9. In view of above, application stands allowed, in terms of prayer clause **'C'** and **'C-(a)'**.

10. Fees of the appointed counsel is quantified at Rs. 10,000/-

(R. M. JOSHI, J.)

ssp (ab)