



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 CRIMINAL APPLICATION NO. 43 OF 2024

1. Pranav Sahebrao Borhade (Husband)
2. Sahebrao Shamrao Borhade (Father in law)
3. Alka Sahebrao Borhade (Mother in law)
4. Suyog Sahebrao Borhade (Brother in law)
5. Harshada Sahebrao Borhade (Sister in law)

... APPLICANTS
(Orig. Accused)

VERSUS

1. The State of Maharashtra
2. Manisha Pranav Borhade

... RESPONDENTS
(Res. No.2 Orig. Informant)

Mr. V. S. Wakale, Advocate for Applicants
Mr. V. V. Jahagirdar, APP for the Respondent/State
Mr. A. D. Gadekar, Advocate for Respondent No.2.

CORAM : RAJNISH R. VYAS, J.

DATE : 27th MARCH, 2026

PER COURT :-

1. This application takes an application to quash the First Information Report No.88/2023, dated 10.06.2023 with Devgaon Police Station for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code as well as consequent proceedings bearing R.C.C. No. 202/2023 pending before Judicial Magistrate First Class, Kannad and order dated 11.08.2023 taking cognizance, at the behest of all the

accused persons name in the first information report.

2. The complainant/non applicant No.2, in the first information report, has alleged that her marriage was solemnized on 26.12.2021 and she was treated properly for one month but thereafter the harassment started. The accused No.1/husband used to tell her that he had married her only due to insistence of his mother. He further stated that he had no liking for non applicant No.2 and wished to reside at Pune. The Husband/accused No.1 further asked non applicant No.2 that whenever he visits Pune, non applicant No.2 would be required to stay with his mother and once he returns, she would be sent to reside at her father's place.

3. It was further alleged in the first information report that all the accused persons used to say that marriage with non applicant No.2 was performed only with a view that she would carry out household work. She has further alleged that all the accused persons had demanded an amount of Rs.3 lakhs at the time of marriage for purchasing the motorcycle, but due to the financial condition, the said demand could not be fulfilled. On that count, all the accused persons allegedly abused and assaulted non applicant No.2 and also driven her out the house. They had also told that non applicant No.2 would be permitted to resume matrimonial life if an amount of Rs.3 lakhs is

brought. In the report, it is alleged that though parents of non applicant No.2 tried their best to convince the accused persons, they did not pay any heed.

4. She has further contended that on 01.05.2022, all the accused persons abused and assaulted her, drove her out of the matrimonial house, so also threatened to kill her and since then non applicant No.2 is residing with her parents. It is further stated that on 02.05.2023 non applicant No.2 lodged a report complaint with Superintendent of Police (Rural) Aurangabad as well as Women Dispute Redressal Cell, wherein the accused persons were called for settlement, but they refused to take back non applicant No.2. It is in this backdrop that the criminal law was set into motion.

5. After completion of investigation, charge-sheet is filed.

6. At the outset learned Advocate for the applicants submitted that the he may be permitted to withdraw the application on behalf of applicant No.1/husband. The permission is granted. Application is disposed of as withdrawn so far as applicant No.1/husband is concerned.

7. Learned Advocate for the applicants then contended that the allegations made in the first information report are totally vague and are not sufficient to register first information report for the offences as stated above.

He submitted that the version advanced in the first information report is improbable and therefore continuation of criminal proceedings would not be in the interest of justice.

8. Per contra, learned Advocate for non applicant No.2 submitted that there is enough material against husband as well as the present applicants. He submitted that it would be matter of trial to decide whether the applicants had committed crime or not.

9. Learned APP has also contended that considering the scope of Section 482 of Cr.P.C., mini trial may not be conducted and the application be dismissed.

10. In the aforesaid background, I have gone through the record and given my thoughtful consideration to the arguments advanced by the respective learned Advocates.

11. A perusal of the first information report would reveal that on 26.12.2021 the marriage of non applicant No.2 was solemnized with original accused No.1. After the marriage, they started residing together. The main allegations are against the husband, who is stated to have asked non-applicant No. 2 that she would be required to reside with his mother while he stayed at

Pune, and upon his return, she would have to shift to her parental home. In this regard, suffice it to say that the application, as far as husband is concerned, is already not pressed and therefore, commenting something on the role attributed to him would not be appropriate.

12. The allegations so far as it concerned the present applicants same are totally vague and bereft of any specific details. Neither any specific date, time nor period has been mentioned. The statement that all the accused persons demanded the amount of Rs.3 lakhs is omnibus in nature. Considering the aforesaid facts, it can be said that no *prima facie* material is available against the present applicants. Learned Advocate for the applicants submitted that the Hon'ble Apex Court in case of ***State of Haryana and others Vs. Bhajan Lal and others, 1992 Suppl (1) SCC 335*** has categorically laid down the principles of quashment and one of the principles is whether prima facie case is available against the accused persons or not. He further contended that so far as deciding the question of applicability of Section 498-A of IPC is concerned, The Hon'ble Apex Court in case of ***Preeti Gupta and another Versus State of Jharkhand and another, (2010) 7 Supreme Court Cases 667*** has deprecated the practice of implementing in-laws without there being any specific allegations against the family members.

13. In the aforesaid background, if the first information report and final report is perused, it would be crystal clear that the material against the present applicants is not sufficient to satisfy the ingredients of the offences for which the crime has been registered. In that view of matter, following order is passed.

ORDER

- (i) Criminal Application is partly allowed.
- (ii) Application of Applicant No.1 stands disposed of as withdrawn.
- (iii) First Information Report No.88/2023, dated 10.06.2023 registered with Devgaon Police Station for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code as well as consequent proceedings bearing R.C.C. No. 202/2023 pending before Judicial Magistrate First Class, Kannad and order dated 11.08.2023 taking cognizance are set aside qua applicant Nos.2 to 5.
- (iv) Application is disposed of accordingly.

14. Needless to mention that these observations are only prima facie in nature and will not affect the outcome of the other proceedings.

(RAJNISH R. VYAS)
JUDGE

ssp