



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 544 OF 2024

1. JIJABAI LAXMAN ANDHALE
2. LAXMAN DHONDIBA ANDHALE
3. AMBADAS LAXMAN ANDHALE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Avhad Abhijeet Padmakar
APP for Respondent No. 1 : Mr. S.N. Morampalle
Advocate for Respondent No. 2 : Mr. Garje Nisargraj B.

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**CORAM : RAJNISH R. VYAS, J.
DATE : 02ND APRIL, 2026**

PER COURT :

1. The challenge in this application, which is preferred under Section 482 of the Code of Criminal Procedure , is to the registration of First Information Report no. 224/2023, dated 28.10.2023, with Ambhora Police Station, District Beed, for commission of the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code. The application is preferred by three applicants i.e. mother-in-law, father-in-law and brother-in-law of non-applicant no. 2.

2. At the outset, learned counsel for non-applicant no. 2 has stated that during pendency of the present application charges are framed and five witnesses are already examined thus, trial has already

commenced and it is likely to be concluded in near future. He, therefore, submitted in absence of challenge to the charge and considering the fact that the evidence of five witnesses are already recorded, powers under Section 482 of code of criminal procedure, may not be invoked.

3. Learned APP has also supported the stand taken by the learned counsel for the informant and has contended since the powers under Section 482 of Cr.P.C. are required to be exercised in exceptional case and as the charges are framed and evidence of five witnesses are recorded, observing anything at this stage, may effect the outcome of trial. He, therefore, requested for dismissal of the case.

4. With the help of the respective counsels, I have gone through the record of the case. The FIR dated 28.10.2023, was lodged by Rukmini Balasaheb Andhale against four persons. The husband is not party to the present application. In FIR, she has alleged that her marriage was solemnized on 14.07.2013, with one Balasaheb Andhale as per rituals and ceremonies and in the marriage, several household articles were presented by her parents. After marriage, she started residing at Tagadkhel along with the husband, mother-in-law, father-in-law as well as brother-in-law. The brother-in-law of non-applicant no. 1/informant was working with Indian Armed Forces and used to visit the house

during holidays. She stated that brother-in-law has retired and he along with his family resides at Ahmednagar.

5. It was alleged in FIR That husband of non-applicant no. 2 husband is an agriculturists and is also a driver. According to her, she was treated properly for first two years of the marriage, thereafter, husband and in-laws used to demand amount of Rs. 5 Lakhs for purchase of the truck. The informant then disclosed that financial condition of her parents was weak and, therefore, the amount could not be given. It is from that point of time, the husband and in-laws started using abusing language and giving humiliating treatment to the informant. The husband used to say that if non-applicant no. 2 was not in a position to give the amount, divorce be granted to him. Though, non-applicant no. 2 tried to convince the in-laws, they used to repeatedly demand the amount and on that count, used to abuse and used to keep the informant empty stomach.

6. It was alleged in the FIR that brother-in-law / Ambadas came to their place in holidays, and in abusive language asked non-applicant no. 2 to bring the amount or else give divorce to his brother. He also threatened non-applicant no. 2. Non-applicant no. 2, in the meanwhile, was blessed with two children but the behaviour of

in-laws did not change. The non-application no. 2 in order to maintain relationship did not object to the behaviour of in-laws of non-applicant no. 2. Non-applicant no. 2 stated that due to mental and physical harassment, she fell ill, at which time her parents tried to convince the accused persons but they specifically stated that if they do not have amount of Rs. 5 Lakhs, then divorce to be given. The husband further said that in fact he had selected a second wife also and he does not need non-applicant no. 2. On that count, on 25.06.2023, the in-laws driven her out and again asked non-applicant no. 2 to bring the amount from her parents else give divorce to the original accused no. 1. Since then, non-applicant no. 2 started residing with her parents.

7. It was also alleged in FIR that on 09.09.2023, at about 10 'O' clock night when informant's father, brother and mother were present, all the accused persons came at Mhsobawadi / the parent's house of non-applicant no. 2 and threatened that if divorce is not granted they would be killed. The non-applicant no. 2 then refused to grant divorce, husband of non applicant no. 2 slapped non-applicant no. 2. As the villagers gathered, the accused persons went away. It is in this background, the criminal law was set in a motion.

8. During the course of investigation, the statements of parents of non-applicant no. 2 came to be recorded which are on the similar line of the version narrated by non-applicant no. 2 in the complaint.

9. Learned counsel for the applicants submitted that the story advanced in the FIR is totally false, as non-applicant no. 2 went missing and consequently, a missing report was lodged by her father on 12.06.2023. Non-applicant no. 2 was missing since 10.06.2023 and ultimately, was found on 23.06.2023. He also invited my attention to the missing report as well as the statement given by the father in a missing case which is dated 23.06.2023 as well as the statement of non-applicant no. 2 recorded in a missing case. He submitted that if the aforesaid statements recorded in the missing case are perused, it would reveal that neither the father of non-applicant no. 2 nor non-applicant no. 2 has stated anything about the ill-treatment. He, therefore, submitted that the story advanced by non-applicant no. 2 is striking example of false story.

10. He further contended that there is a delay in lodging FIR and vague allegations would not be sufficient to allow the prosecution to proceed against the present applicants. According to him, an omnibus statements and also material produced were not enough to support the charge. He thus prayed for quashment of the proceedings.

11. As already stated the principal contention of learned counsel for non-applicant no. 2 and the learned APP is that since the charges are already framed and five witnesses are examined, the application may not be entertained. They have submitted that the allegations made in FIR and material collected during the course of investigation were, *prima facie*, revealing commission of offence and, therefore, the trial may not be conducted at this stage.

12. The learned counsel for the applicants argues that the missing reports did not contain any allegations of harassment by in-laws. They also point out that the statements of the father of non-applicant no. 2 and non-applicant no. 2 in the missing cases were silent about the alleged ill-treatment, and therefore, the prosecution should be quashed. Suffice it to say that the scope of enquiry of missing report is totally different. It is not expected in an enquiry conducted into missing report to arrive at the *prima facie* conclusion as to whether non-applicant no. 2 was subjected harassment or not. Even otherwise, if the statement of non-applicant no. 2 recorded in a missing case is perused, she has categorically stated that on 10.06.2023, at about 9 p.m. while taking dinner, she had a quarrel with her husband and on that count, she went out of the house. Thus, it cannot

be ignored that it is due to quarrel that applicant was required to leave the house.

13. The said incident will have to be looked into in the background of the allegations narrated in the FIR. The FIR is very specific about involvement of the present applicants. Non-applicant no. 2 has categorically stated that there was a demand of Rs. 5 Lakhs for purchasing the truck by the in-laws. There is also specific statement that due to continuous physical and mental harassment non-applicant no. 2 had fallen ill and even the family members of non-applicant no. 2 tried to convince the in-laws, but demand persisted. There is a specific statement that on 10.06.2023, the in-laws drove non-applicant no. 2 out of the house.

14. The incident dated 09.09.2023, is also specific which states that the in-laws had been to the house of the father of non-applicant no. 2 where quarrel took place and the parents of non-applicant no. 2, were threatened. Considering the aforesaid the allegations and the fact that five witnesses are examined, commenting something would affect the outcome of the case. It is further necessary to mention here that as, *prima facie*, material was found against the present applicants the charges were framed, which are not challenged. Parameters for

quashment of FIR and chargesheet are different from parameters for quashment of charges.

15. So far as contention of the learned counsel for the applicants that non-applicant no. 3/Ambadas is residing separately and, therefore, proceedings cannot be allowed to be continued against him, Suffice it to say that even non-applicant no. 2 in FIR has categorically stated that brother-in-law was residing at Ahmednagar along with his family but there is further categorical statement that in holidays, he used to come and harass non-applicant no. 2. Documents filed on the record in form on bonafide certificate showing son of brother-in-law studying at Ahmednagar, is a private document and can not support the case of applicant no. 3.

16. As already stated since the charges are framed and five witnesses are examined and as the trial is at fag end, I am not inclined to entertain the present application. Accordingly, Criminal Application is dismissed. Needless to mention observations made are of *prima facie* nature and trial court shall not be influenced by the aforesaid observations.

(RAJNISH R. VYAS, J.)

SPC