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20criapln663.24

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

20 CRIMINAL APPLICATION NO. 663 OF 2024

1. Sangita W/o. Shrikant Deokate
(Married Sister-in-law)
Age-51 Years, Occu-Teacher,
R/o. Hansa Raj Apartment, MP Law College Road,
Nageshwar Wadi, Aurangabad
2. Sunita W/o. Fulchand Jogdand,
(Married Sister-in-law)
Age-40 Years, Occu-Household,
R/o. Opposite Vitthal Nagar, Manik Colony,
Dhanori, Pune
3. Amrapali W/o. Pravin Gaikwad,
(Married Sister-in-law)
R/o. Jijau Residency, Taklilar Road,
Vijapur Road, Indiranagar, Solapur
Tq. & Dist. Solapur
4. Nilam W/o. Amol Jadhav @ Nilam D/o. Gorakhnath Tilak,
(Married Sister-in-law)
Age-36 years, Occu-Housewife,
R/o. Samrat Ashok Nagar, Bhosare,
Tq. & Dist. Solapur
5. Shrikant S/o. Devidasrao Deokate,
(Husband of Applicant No.1)
Age-54 Years, Occu-Service,
R/o. Hansa Raj Apartment, MP Law College Road,
Nageshwarwadi, Aurangabad
6. Fulchand S/o. Kondiba Jogdand,
(Husband of Applicant No.2)
Age-40 Years, Occu-Business,
R/o. Opposite Vitthal Nagar, Manik Colony,
Dhanori, Pune

7. Pravin S/o. Mahadeo Gaikwad,
(Husband of Applicant No.3)
R/o. Jijau Residency, Taklilar Road,]
Vijapur Road, Indiranagar, Solapur,
Tq. & Dist. Solapur
8. Mansi D/o. Fulchand Jogdand,
(Daughter of Applicant No.2)
Age-27 years, Occu- Education,
R/o. Opposite Vitthal Nagar, Manik Colony,
Dhanori, Pune
9. Mrudula D/o. Fulchand Jogdand,
(Daughter of Applicant No.2)
Age-25 y years, Occu- Education,
R/o. Opposite Vitthal Nagar, Manik Colony,
Dhanori, Pune

[All applicants are original accused Nos. 3 to 11]

VERSUS

1. The State of Maharashtra ...RESPONDENT
2. Usha W/o. Samrat Tilak,
Age-35 Years, Occu-Household,
R/o. Presently R/o. Samrat Ashok Nagar,
Near Z. P. School, Barshi Road, Kurduwadi,
Tq/ Madha, Dist. Solapur [ORI. COMPLAINANT]

Mr. S. A. Kulkarni, Advocate for the applicants
Mr. N. D. Raje, APP for the respondents/State
Mr. D. R. Gavhad, Advocate for the respondent No.2 (appointed)

CORAM : RAJNISH R. VYAS, J.

DATE : 06th APRIL, 2026

PER COURT :

1. Heard the learned Advocates for the respective parties.

2. A challenge in this application is to the registration of First Information Report No.18/2024 dated 18-01-2024 with Modha Police Station, Dist. Parbhani for the commission offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code at the instance of complainant/Usha against all the applicants.

3. Learned Advocate for the applicants has contended that all the applicants are relatives of the husband i.e. Sangita W/o. Shrikant Deokate (Married Sister-in-law), Sunita W/o. Fulchand Jogdand (Married Sister-in-law), Amrapali W/o. Pravin Gaikwad (Married Sister-in-law), Nilam W/o. Amol Jadhav @ Nilam D/o. Gorakhnath Tilak (Married Sister-in-law), Shrikant S/o. Devidasrao Deokate (Husband of Applicant No.1), Fulchand S/o. Kondiba Jogdand (Husband of Applicant No.2), Pravin S/o. Mahadeo Gaikwad (Husband of Applicant No.3), Mansi D/o. Fulchand Jogdand (Daughter of Applicant No.2), Mrudula D/o. Fulchand Jogdand (Daughter of Applicant No.2). He further submitted that they all are residing at different places which is approximately 200 km away from the matrimonial house of non-applicant No. 2. He further contended that allegations made against the applicants are omnibus and general in nature.

4. Per contra learned APP submitted that the First Information Report clearly spells out role of each of the applicants and therefore, interference at this stage would not be in the interest of justice.

5. Learned counsel for the non-applicant No.2 has contended that perusal of the First Information Report clearly shows that prima facie material is available against the present applicants and therefore, considering the fact that no exceptional case is made out, the application be dismissed.

6. With the help of learned counsels for the parties, I have gone through the record of the case. The First Information Report in question was registered on 18-01-2024 at the behest of the non-applicant No.2 in all against eleven accused. The present applicants are accused Nos. 3 to 11. It was alleged in the First Information Report by the non-applicant No.2/informant that her marriage was performed on 25-12-2022 at village Kurduwadi, Tq. Mada, Dist. Solapur with one Samrat and after marriage, she started residing in her matrimonial house, where she was treated properly for 15 days.

7. On 05-01-2023 since morning 10.00 am the mother-in-law started harassing the non-applicant No.2 on trifle reasons and also started abusing her. The husband of the non-applicant No. 2 at

that relevant time had demanded an amount of Rs.2 lakhs from the informant on the count that dowry was not paid in the marriage. It was also alleged that the husband used to mentally and physically harass the non-applicant No. 2 on that count.

8. So far as role assigned to the sisters-in-law of non-applicant No. 2 are concerned, it is alleged that all the sisters-in-law came to matrimonial house of the non-applicant No. 2 and on trifle reasons started abusing her by saying that she is temporary wife of their brother and they would perform second marriage of their brother. On that ground she was subjected to harassment.

9. As regards the allegations against the husband of sisters-in-law are concerned, it was alleged that when they visited the matrimonial house of the non-applicant No.2/informant they said to her husband that his wife is not good looking and they would bring more beautiful lady as his wife. They also used to abuse her and harass her on trifle reasons.

10. Coming to the role assigned to two daughters of the sisters-in-law it was alleged that they used to unnecessarily harass the informant and say that she does not suit to their maternal uncle and she had not brought enough amount from her parents. They also said that non-applicant No.2 is not good looking and does not groom her

properly. On that ground, she was harassed by the daughters of the sisters-in-law. It was alleged that accused persons did not talk with her properly and did not feed her daily food. She then called her elder sisters by name Laxmi and requested her to come at her matrimonial place. On 01-09-2023 she left her matrimonial house and went to her parents' place. According to her though she waited none came from the side of in-laws. Thereafter she lodged the report in the month of December, 2023 with the Women Grievance Redressal Cell, Parbhani. There also none appeared from the side of in-laws for settlement and consequently on 18-01-2024 the First Information Report was lodged. It can thus be seen that the First Information Report was lodged after few months from the last incident.

11. It is clear from the First Information Report itself that all the applicants were residing separately and they had no day-to-day interference in the life of non-applicant No.2 and her husband. The allegations against the present applicants are vague in nature and that too have been made when the applicants had visited the matrimonial house of the non-applicant No.2. Perusal of the First Information Report shows that same is bereft of any specific details regarding time, period and months. Omnibus and general allegations would not be enough to constitute *prima facie* case against the

present applicants. The nature of the allegations *prima facie* fail to attract the ingredients of offences registered. Additionally note can also be taken of the fact that there is tendency in the matrimonial matter to implicate the near relatives of the husband.

12. In the aforesaid background since no *prima facie* case is made out against the present applicants and continuation of the criminal prosecution would not be in the interest of justice of the present applicants, I am inclined to pass the following order:

ORDER

- a] The application is allowed.
- b] The FIR bearing No. 18 of 2024 dated 18-01-2024 registered with Modha Police Station, Dist. Parbhani, for commission of offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the IPC stand quashed and set aside to the extent of present applicants.
- c] The fees of learned appointed advocate for the non-applicant No.2 be quantified at Rs.8000/-.

[RAJNISH R. VYAS, J.]