



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 CRIMINAL APPLICATION NO. 977 OF 2024

1. Maroti Rajaram Devkar (Husband)
2. Janabai Rajaram Devkar (Mother in law)
3. Rajaram Maragu Devkar (Father in law)
4. Anjali Bharat Vitkar (married sister in law)
5. Balraj Rajaram Devkar (Brother in law)
6. Sapna Balraj Devkar (Wife of brother in law) ... APPLICANTS

VERSUS

1. The State of Maharashtra
2. Jayshree Maroti Devkar ... RESPONDENTS

...

Mr. H. R. Hange h/f Mr. M. K. Bhosale, Advocate for the Applicants

Mr. V. S. Badakh, APP for Respondent/State

Mr. V. T. Patil, Advocate for Respondent No.2.

CORAM : RAJNISH R. VYAS, J.

DATE : 27th MARCH, 2026

PER COURT :-

1. Heard.
2. At the outset, learned Advocate for the applicants submits that he will not press an application for applicant No.1/husband.
3. In that view of matter, application qua applicant No.1/husband is disposed of as not pressed.

4. This application takes an application to the First Information Report No.50/2024, dated 12.02.2024 registered with Nilanga Police Station, District Latur 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. 200/2024 pending before Judicial Magistrate First Class, Nilanga and order dated 27.03.2024 taking cognizance, at the behest of all the accused persons name in the first information report.

5. A criminal law was set in a motion at the instance of non applicant No.2 with non applicant No.1-Police Station on the basis of offences under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code. The present applicants are the original accused who are Maroti Rajaram Devkar (Husband), Janabai Rajaram Devkar (Mother in law), Rajaram Maragu Devkar (Father in law), Anjali Bharat Vitkar (married sister in law), Balraj Rajaram Devkar (Brother in law), Sapna Balraj Devkar (Wife of brother in law).

6. In the first information report, it is alleged by non applicant No.2 that her marriage was solemnized on 16.03.2021 as per Hindu rites and ceremonies. At the time of marriage, an amount of Rs.4 lakhs was given along with gold ornaments and household articles.

7. After marriage, she started residing with all the applicants, where she was treated properly for about three months but her husband used to suspect her character and say that he did not like her. The husband further stated that it is due to pressure of parents, he had performed marriage. It is further alleged that husband of non applicant No.2 used to illtreat her on the ground that less amount of dowry was given. He also demanded amount of Rs.1 lakhs from the non applicant No.2 and her parents for repayment of installment of loan taken for purchase of vehicle (hyva tipper). It is alleged that on the aforesaid count, applicant No.1/husband used to illtreat and assault non applicant No.2.

8. So far as present applicants are concerned, it is alleged in the first information report that they used to say that proper respect was not given in the marriage and that non applicant No.2 was not performing her household duties properly. It is also alleged that the present applicants used to say that non applicant No.2 does not listen to anybody and also used to keep her starving. Then non applicant No.2 narrated incident to her relatives, who visited the accused persons and tried to convince them and also tendered an apology.

9. It is alleged in the first information report that accused persons

abused the family members of non applicant No.2 and drove them out and further demanded amount of Rs.1 lakhs. The non applicant No.2 then lodged a complaint dated 03.10.2023 with the Women's Grievance Redressal Cell, Latur where settlement could not be arrived at and consequently, first information report came to be lodged.

10. It is in this background, learned Advocate for the applicants submitted that neither the first information report nor the statements recorded during course of investigation, which from part of the final report shows that applicants have committed the offences for which they are being tried. He submitted that the non applicant No.2 resided for a brief period of three months and FIR was lodged after a period of two years. He, therefore, prayed for quashment of proceedings.

11. Per contra, learned Advocate for non applicant No.2 and learned APP contended that there are specific allegations against the present applicants. They submitted that the present applicants used to harass the non applicant No.2 physically and mentally by passing comments and had also threatened her. They, therefore, prayed for dismissal of application.

12. With the assistance of respective learned Advocates, I have gone through the record. The law in this regard is crystal clear. The parameters of

quashing of FIR have been laid down by the Hon'ble Apex Court in case of ***Sanjay D. Jain and others Versus State of Maharashtra and others, 2025 SCC***

OnLine SC 2090 has held in paragraph No.10 which reads thus:

“10. A perusal of the FIR and its consideration in entirety indicates that statements of a general nature have been made therein as against the present appellants. The complainant states that on 07.08.2021 when she had gone to her parental house, she had received a call from her mother-in-law raising a demand for clothes and jewellery. When she returned to her matrimonial house on 30.08.2021, she had taken few clothes for the family members. Except this statement, all other statements are of a general nature as well as vague without any particulars. There are other omnibus statements made in the complaint without any particulars whatsoever. It is also to be noted that for the purpose of constituting an offence punishable under Section 498-A of the Penal Code, cruelty as indicated in the Explanation to the said provision must be stated to be inflicted. The cruelty caused by the husband and his family members should be of such nature that it is inflicted with the intention to cause grave injury or drive the victim to commit suicide or inflict grave injury to herself. Such allegations are absent in the present case. We do not find that on a complete reading of the complaint, a prima facie case for proceeding under Section 498-A of the Penal Code has been made out against the appellants.”

. In the aforesaid background, the allegations made in the first information report and final report are tested.

13. Learned Advocate for the applicants has also relied upon the law laid down by the Hon'ble Apex Court in case of ***Kahkashan Kausar Alias Sonam and others Versus State of Bihar and others, (2022) 6 SCC 599*** to content in the absence of specific allegations, the FIR and consequent

proceedings are liable to be quashed. The Apex Court has held in paragraph No.17 which reads thus:

“17. The abovementioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.”

14. In the aforesaid background, if the final report is taken into consideration, it becomes crystal clear that allegations against the present applicants are omnibus nature and also bereft of any details. The record indicates that non-applicant No. 2 has generally alleged that all the applicants used to harass her by stating that they were not properly respected during the marriage ceremony and that she was not performing her household duties. It is clear from the report that the allegations against the present applicants are that they used to humiliate applicants and driven out her family members when they had been to the house of accused for purpose of settling the matter.

15. Thus, it is crystal clear that the allegations made against the present applicants are not specific and of general nature. In the absence of

specific allegations, allowing the prosecution to continue against present applicants would not be in the interest of law.

16. The learned Advocate for the applicants has also contended that the first information report is a counter blast since to the initiated by husband i.e. Hindu Marriage Petition No. 196/2023 before Jt.Civil Judge, Senior Division, Ambajogai, district Beed under Section 9 of the Hindu Marriage Act which has resulted into passing decree in his favour and therefore the first information report was lodged in order to counter blast. Since the application preferred by the husband is already not pressed for, further comments on that aspect would not be necessary. Suffice it to say that the nature of allegations made against the present applicants would not be enough to attract ingredients of offences registered and therefore, 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.50/2024, dated 12.02.2024 registered with Nilanga Police Station, District Latur 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. 200/2024 pending before Judicial Magistrate First Class, Nilanga and order dated 27.03.2024 taking cognizance are set aside qua applicant

Nos.2 to 6.

(iv) Application is disposed of accordingly.

17. 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