



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2096 OF 2024

1. Shripati Kisanrao Jogdand
Age :- 77 years, Occ. :- Nil,
R/o. "Shravasti", Nagsen Nagar,
Ambajogai, Tq. Ambajogai, Dist. Beed.
2. Sudha Shripati Jogdand
Age :- 70 years, Occ. :- Nil,
R/o. "Shravasti", Nagsen Nagar,
Ambajogai, Tq. Ambajogai, Dist. Beed.
3. Jyoti Sanjay Vaidya
Age :- 47 years, Occ. :- Homemaker,
R/o. "Karmavir Orchid", Khillare Vasti,
Ward No.06, Shrirampur, Tq. Shrirampur,
Dist. Ahmednagar.
4. Varsha Santosh Taware
Age:- 44 years, Occ. :- Service,
R/o. 7th Floor, C-Wing, Costa Blanca,
Baner, Tq. & Dist. Pune.

..APPLICANTS

VERSUS

1. State of Maharashtra
Through the Police Inspector
of Police Station Rahuri,
Tq. Rahuri, Dist. Ahmednagar.
2. The Superintendent of Police,
Ahmednagar, Tq. & Dist. Ahmednagar.
3. Swati Wo. Vishal Jogdand,
Age : 38 years, Occ. : Housewife,
At Present residing at Malharwadi Road,
Rahuri, Tq. Rahuri, Dist. Ahmednagar

..RESPONDENTS

....
Mr. Ganesh Gadhe, Advocate for applicants
Mr. V.S. Badakh, A.P.P. for respondent nos.1 and 2
Mr. H.P. Jadhav, Advocate for respondent no.3
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CORAM : RAJNISH R. VYAS, J.
DATE : 10th APRIL, 2026

PER COURT :

. Challenging the initiation of criminal prosecution, foundation of which is the F.I.R. No. 1249 of 2023 dated 07th November, 2023 registered with Rahuri Police Station, Dist. Ahmednagar for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code, the applicants/original Accused Nos. 2 to 5 in the charge-sheet, have invoked inherent jurisdiction of this Court.

2. The prayer for quashment is made on the ground that the allegations against the in-laws are totally vague, and therefore, continuation of prosecution would not be in the interest of justice. Delay in lodging the F.I.R. is also tried to be encashed by the present applicants.

3. Per contra, learned counsel for Respondent No.3 / informant has vehemently opposed the application and has argued that the charge-sheet is already filed and there are five witnesses in the charge-sheet, who categorically supports the version of informant. He, therefore, submitted that mini trial at this stage cannot be conducted.

4. Learned A.P.P. has supported the stand taken by learned counsel for Respondent No.3 and has contended that the offence is also registered under Section 34 of the I.P.C., and therefore, whether there was common intention or not can be tested only during the course of trial. He, therefore, prayed for rejection of application.

5. With the help of respective parties, I have gone through the record of the case and have given my thoughtful consideration to the arguments advanced.

6. As already stated, the F.I.R. is lodged on 07th November, 2023 which was subjected to investigation and finally filing of charge-sheet no. 226 of 2024 dated 08th June, 2024. Applicant No.1 is the Accused No.2 / father-in-law, Applicant No.2 is the Accused No.3/mother-in-law, Applicant No.3 is the Accused No.4 / sister-in-law and Applicant No.4 is the Accused No.5 / sister-in-law.

7. In F.I.R. No. 1249 of 2023 lodged by Respondent No.3 / Swati Jogdand, it is stated that she resides at Ambajogai alongwith her husband / Vishal, in-laws, so also her daughter and son. The husband is a practicing lawyer at the Hon'ble Supreme Court, Delhi. The marriage of Accused No.1 / Vishal and Respondent No.3 was solemnized on 31st August, 2008 as per rites

and ceremonies and due honour was given to the in-laws. After the marriage till 2010 Respondent No.3 resided at Ambajogai and in the year 2019 she alongwith her husband shifted to Delhi.

8. It was alleged that for initial two years she was treated properly by the in-laws, but thereafter mother-in-law on some domestic reasons used to interfere and instigate Accused No.1 so that character of Respondent No.3 can be suspected. On that count, Accused No.1, father-in-law and mother-in-law used to abuse her frequently. It was also alleged that in the year 2011 on the count of wearing the dress, she was beaten by fist and blows and her dress was torn. According to the F.I.R., in the month of August 2012 when Respondent No.3 was residing at Ambajogai, all the applicants came and asked her to bring an amount of Rs.20 lakhs from her parents for purchasing the house at Delhi. When Respondent No.2 shown her inability on the ground that her parents are poor, all accused persons made her fall and assaulted by means of fist blows and kicks. She was kept empty stomach. In spite of the aforesaid harassment, Respondent No.3 did not narrate the same to her father.

9. It was alleged in the F.I.R. that on 02nd February, 2022 accused gave her some powder and due to its consumption she started experiencing pain in the stomach. When she asked, it was told to her that “pressure is

reduced and some more pressure was required” and she was ignored. Thereafter when she was subjected to medical examination at Government Hospital, Ambajogai, E.C.G. was not found normal. In spite of the same medical treatment was not provided to her.

10. It is also alleged in the F.I.R. that on 08th May, 2022 she was driven at her parent's house and was asked to bring the money, else threatened that she would not be permitted to cohabit. Respondent No.3 then narrated the incident to her parents, who tried to convince the accused persons. Instead of listening to them, her brother and father were abused and assaulted by means of fist and blows at her matrimonial house. It is further alleged that the maternal uncle of Respondent No.3 and her cousin had also tried to convince the accused persons, but it did not yield any fruit.

11. It is alleged in the F.I.R. that thereafter her father had convinced the husband, who was residing at Delhi and there Respondent No.3 resided for 5-6 months. Again her husband quarreled with her and went away. It was alleged in the F.I.R. that atrocity committed on her was brought to the notice of police at Delhi by submitting a complaint, who advised her to settle the matter amicably. It was alleged that the husband had not given any household articles to her and since she was not having any support, she started residing with her children at her parent's house at Rahuri.

12. It was also alleged that since two years prior to lodging the F.I.R., she is residing at her parent's place. It was finally stated by Respondent No.3 that on 31st July, 2023 she had submitted an application to the Women Grievance Redressal Cell, Ahmednagar and accused persons were called to attend the same. It was stated that inspite of it, the accused persons did not attend the proceeding and consequently F.I.R. came to be lodged.

13. At this juncture, it is necessary to mention here that even according to Respondent No.3 since last more than two years from F.I.R. she was residing separately. Thus, there is delay in lodging the F.I.R. Though delay in lodging the F.I.R. would not be a sole ground to quash the criminal prosecution, so far as offence punishable under Section 498-A of I.P.C. is concerned, but same can be one of the factors which can be taken into consideration while deciding the question of quashment.

14. Coming to the merits of the case, suffice it to say that the allegations made against the present applicants are totally vague and are omnibus in nature. The F.I.R. further shows that after performance of marriage on 31st August, 2008 she resided at the matrimonial house at Ambajogai till 2010 and thereafter started residing at Delhi with the husband. The aforesaid fact prima facie shows that the present applicants were not involved in the day-to-day life of Respondent No.3. Applicant Nos. 3 and 4

are the married sisters-in-law, who are admittedly residing separately and are elder to Accused No.1. Thus it can also be said that they were occasional visitors. In that background, if the allegations are seen, same are found to be bereft of any specific details and role qua the present applicants.

15. So far as statements of witnesses consisting of father, brother, mother of informant and other witnesses are concerned which are part of the charge-sheet, same also narrate the same version which is narrated by Respondent No.3.

16. The aforesaid statements also fail to specify any role played by each applicant. At this stage it is necessary to mention here that the omnibus, general and vague statements would not be enough to attract the ingredients of offences registered, and therefore, cannot constitute prima facie case against the present applicants.

17. Law regarding quashment of criminal prosecution is crystal clear. The Hon'ble Apex Court in case of ***State of Haryana and Others Vs. Ch. Bhajan Lal and Others, 1992 AIR 604***, has categorically stated that if the F.I.R. and material collected during the course of investigation fails to show any prima facie case against the accused persons, then the F.I.R. / criminal prosecution can be quashed. In the light of above discussion and the fact that

there are omnibus, general and vague allegations, so also there is delay in lodging the F.I.R. and since the husband has not prayed for quashment, I am inclined to pass following order :-

ORDER

- (I) Criminal application is allowed.
- (II) FIR No. 1249 of 2023 dated 07th November, 2023 for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of Indian Penal Code, Charge-sheet No. 226 of 2024 dated 08th June, 2024, order dated 21st June, 2024 taking cognizance and R.C.C. No. 279/2024 pending before the Judicial Magistrate First Class, Rahuri are quashed and set aside, qua the present applicants.

(RAJNISH R. VYAS, J.)

SSD