



(1)

960criapln2750.24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2750 OF 2024

- 1] Laxman s/o Bhaskar Havane
Age: 29 years, Occu. Nil, R/o. Khadki (D),
Tq. Wadwani, Dist. Beed.
- 2] Venubai Bhaskar Havane
Age: 55 years, Oecu. Housewife,
R/o. As above.
- 3] Bhaskar s/o Namdeo Havane
Age: 60 years, Occu. Agri.,
R/o. As above.
- 4] Krishna s/o Bhaskar Havane
Age: 26 years, Occu. Education,
R/O. As above.
- 5] Sunita Ramdas Gachande
Age: 34 years, Occu. Housewife
R/o. Sirasmarg, Tq. Georai,
Dist. Beed.
- 6] Ramdas s/o Vinayak Gachande
Age: 40 years, Occu. Agri.
R/o. Sirasmarg, Tq. Georai,
Dist. Beed.
- 7] Machindra s/o Kisan Shete
Age: 57 years, Occu. Agri./Labour
R/o. Karchundi, Tq. & Dist. Beed. ...**APPLICANTS**

VERSUS

- 1] The State of Maharashtra
Through Police Inspector,
Police Station, Pathardi.
Dist. Ahmednagar.

- 2] Seema w/o Laxman Havane
Age: 28 years, Occu. Household
R/o. Khadki (D), Tq. Wadwani, Dist. Beed.
At present R/o. C/o. Vijay Ramkisan Unvane
Kasba Peth Pathardi, Tq. Pathardi Dlst. Ahmednagar.

Mr. A. A. Munde, Advocate for the applicant
Mr. V. S. Badakh, APP for the respondents/State
Mr. S. G. Madke, Advocate h/f Mr. A. G. Ambetkar, Advocate for the respondent No.2

CORAM : RAJNISH R. VYAS, J.

DATE : 10th APRIL, 2026

PER COURT :

1. This is an application for quashment of the FIR bearing No.175/2021 dated 31-03-2021 registered with the Pathardi Police Station, Dist. Ahmednagar for commission of offences punishable under Sections 498-A, 323, 504 and 506 of the Indian Penal Code so also the charge-sheet, final report and order taking cognizance.

2. Learned Advocate for the applicant has contended that if the FIR is perused it would be crystal clear that so far as the husband is concerned who is accused No.1 there are no averments which would constitute the cruelty as defined under Sections 498-A of the IPC. He submitted that on the contrary, FIR it self would show that husband has asked the non-applicant No.2 to work in the field as per her physical ability. He therefore, submitted that the prosecution against the husband cannot be allowed to be stand. So far as

initiation of the criminal prosecution against the other accused are concerned, the allegations are of general in nature .

3. Per contra, learned Advocate for the non-applicant No.2 has stated that allegations made in the FIR as well as final report are enough to make out prima facie case against all the accused. He further contended that conducting mini trial at this stage is not permissible.

4. The stand taken by the learned Advocate for the non-applicant No.2 was supported by the learned APP. He submitted that at this stage detail appreciation of evidence is unwarranted.

5. with the help of learned counsels for the parties, I have gone through the record of the case.

6. The FIR is lodged by the non-applicant No.2 who has stated that she along with her husband, daughter, mother-in-law, father-in-law and brother-in-law resides together and work as agriculturist.

7. According to her, on 28-12-2018 her marriage was performed with the accused Laxman as per rites and ceremony who was working on the post of Loan Expert with Home Credit Finance Company. It is further submitted that for 15 to 20 days only he used to reside at house. It was alleged in the FIR that after marriage for

three months, in-laws treated her properly and after that, she along with her husband went to Pune. According to her in-laws used to telephone the husband-laxman and asked him to drop the non-applicant No.2 at the village on the ground that there was nobody to work in the agricultural field. There were repeated calls to the husband by the in-laws.

8. It is the case of the non-applicant No. 2 that due to aforesaid insistence non-applicant No.2 was asked by her husband to go to village and perform the agriculture work, on which, non-applicant No.2 shown her inability by advancing a reason that since she had not worked in agricultural field, she would not be in a position to do the work. Husband then replied that non-applicant No.2 can do work as per her capacity. Thereafter, husband of non-applicant No.2 dropped her at matrimonial house. It was alleged in the FIR that non-applicant No.2 started residing with her in-laws. During which period as she was not knowing how to perform the agricultural work, her mother-in-law and father-in-law repeatedly told her to bring the amount of Rs.5 lakhs for purchasing the house at Pune.

9. It was alleged in the FIR that her father-in-law, mother-in-law and brother-in-law was informed by non-applicant No.2 that her parents are not in a position to pay. At that time, father-in-law,

mother-in-law and brother-in-law had asked her not to reside with them as she does not know how to do the agricultural work and thereafter assaulted her by means of fist and blows. It was alleged in the FIR that she was kept empty stomach and at that time her sister-in-law by name Sunita and husband of Sunita by name Ramdas used to visit her house and repeat the demand. They also harassed her.

10. It was further alleged that maternal father-in-law by name Macchindra resident of Beed used to visit her house frequently and asked the non-applicant No.2 to bring the amount of Rs.5 lakhs from her parents, if she desires to reside at Pune. On that count she was subjected to harassment. It was also stated that on the same reason all the accused persons used to harass her mentally, physically and financially and also assaulted her whenever she was at her matrimonial place or at the parents place.

11. It is in this background, the FIR was lodged on 31-03-2021. So far as allegations against the present applicants are concerned, initially it was stated that husband has asked the non-applicant No.2 to perform the agricultural work as per her capacity. It is not the case of the informant in the FIR that she was harassed or pressurized at the initial stage. Thereafter, omnibus statement and general allegations are made against the present applicants that they used to harass her, assault and beat her for non-fulfillment of demand

of Rs.5 lakhs. The FIR as well as the statement recorded of all the witnesses further shows that no specific role is assigned to any of the applicants. The material produced on record is thus bereft of specific details.

12. The law in this regard is crystal clear that the prosecution is under obligation to show that prima facie material is available against the applicants for prosecution for the offences registered. Omnibus and general allegations would not be enough to permit the prosecution to proceed against the present applicants.

13. The Hon'ble Apex Court in the case of State of Haryana Vs Bhajanlal, AIR 1992 SC 604 has categorically stated that if the allegations made in the FIR and final report fail to disclose prima facie offence, then continuation of prosecution would not be in the interest of justice. As already stated that the allegations are not sufficient to attract the ingredients of offences registered. General statement is made that maternal father-in-law by name Machindra had also demanded amount of Rs.5 lakhs. Said allegations and averments made in the statement of Vijay- father, Lata-mother & Anand- Uncle of the non-applicant No.2 are also on similar lines and lacks specific particulars. Thus, I am of the view that continuation of the prosecution would not be in the interest of justice. Therefore, the following order is passed:

ORDER

- a] The application is allowed in terms of prayer clauses-[C][C-2][C-3] to the extent of present applicants.
- b] The application is disposed off.
- c] Needless to mention here that the observations made in the present application would not affect the outcome of other proceeding pending between the parties.

[RAJNISH R. VYAS, J.]

VishalK/960criapln2750.24