



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2789 OF 2024

- 01] Sheshrao Bhujangrao Pable
Age – 77 years, Occu. - Nil,
R/o. Nanja, Taluka – Bhokardan
Dist. - Jalna
(Father in law of the complainant)
- 02] Shila @ Shilabai Sheshrao Pable
Age – 60 years, Occu. - Household,
R/o. As above
(Mother-in-law of the complainant)
- 03] Sunil Sheshrao Pable,
Age – 34 years, Occu. Agriculture,
R/o. As above
(Brother-in-law of the complainant)
- 04] Anita Rameshwar Danve,
Age – 30 years, Occu. - Household,
R/o. - Javkheda Budruk,
Taluka – Bhokardan, Dist. - Jalna
At present Dhanala, Taluka – Mauda,
Dist. - Nagpur
(Sister-in-law of the Complainant)
- 05] Rameshwar Uttam @ Uttamrao Danve,
Age – 41 years, Occu. - Service,
R/o. - As above
(Husband of Sister-in-law of the Complainant)
- 06] Samadhan Bhujangrao Wankhede,
Age – 21 years, Occu. - Agricultural,
R/o. - Hasnabad, Taluka – Bhokardan,
Dist. - Jalna
(Brother-in-law of the Complainant)
- .. Applicants

Versus

- 01] The State of Maharashtra through the
Police Station Officer Karmad Police Station,
Karmad, Aurangabad Rural, Tal.
& Dist. - Aurangabad

02] Sapna Amol Pable, Age – 21 years,
Occu – Household, R/o. Hatmali, Near Karmad,
Tal. & Dist. - Aurangabad

.. Respondents

...
Advocate for applicant : Mr. Vishnu Y. Patil
APP for the respondent – State : Mr. N.D. Raje
Advocate for respondent no. 2 : Ms. Nirmala Helkute
...

CORAM : RAJNISH R. VYAS, J.

DATE : 25 MARCH 2026

ORAL ORDER :

Heard.

2. This Application takes exception to the FIR No. 0185/2024 dated 17-05-2024 registered with Karmad Police Station, Aurangabad for the offences punishable under section 498-A, 323, 504, 506 r/w. 34 of the Indian Penal Code, final report, registration of Regular Criminal Case No 1604 of 2024 in the Court of Judicial Magistrate First Class at Aurangabad Dist.- Aurangabad as well as the order taking cognizance / issue process dated 19.08.2024.

3. The Application is preferred by in-laws praying for quashment of the criminal prosecution.

4. FIR dated 17.05.2024 was lodged at the behest of non-applicant no. 2 against the present applicants and husband by name – Amol Sheshrao Pable. It is alleged in the FIR that marriage between non-applicant no. 2 and Amol Pable was solemnized on 26.05.2023 as

per Hindu rites and ceremonies and, thereafter, the non-applicant no. 2 started residing at her matrimonial place at Nanjaagaon, Bhokardan, District - Jalna. On the day of marriage, mother-in-law Sheela had asked the non-applicant no. 2 to ask her father to purchase the house at Chhatrapati Sambhajinagar and started demanding the same.

5. On 10.02.2021 all the applicants had asked the non-applicant no. 2 to inform her father of transferring the house in the name of the in-laws and it was also stated that till that time, the non-applicant no. 2 will not be allowed to cohabit. On that count, the non-applicant no. 2 was subjected to mental and physical harassment.

6. It was also alleged in the FIR that since the mother of non-applicant no. 2 was operated, she went to her parents place and she resided there for one month and, thereafter, she returned with the husband and both of them stayed at Waluj MIDC area for three months. During that period, husband had assaulted her. It was also stated that since the husband of non-applicant no. 2 was operated, the total expenses were borne by the father of the non-applicant no. 2.

7. According to FIR, in the month of January 2022, the husband of the non-applicant no. 2 was assaulted by some persons and the applicants suspected that it was at the behest of the non-applicant no. 2, he was assaulted and on that ground, she was threatened and was asked not to reside with them.

8. Non-applicant no. 2 in the FIR has further stated that on 13.06.2022, when she returned from agricultural field, her sister-in-law asked as to why the food was not cooked and on that count, she was abused by the applicants and beaten by father-in-law though she was carrying three months pregnancy. She was driven out of the house at night and, therefore, she went to her father's place. She alleged that on 24.11.2022 she was blessed with a baby girl but it was the husband only, who came to meet her and at that time when the non-applicant no. 2 asked husband for cohabitation, he advanced reason that he would ask his parents.

9. It is also alleged that on the say of cousin brother of the husband, she again started residing with the husband but at that time also on trivial reasons, remarks were passed against her. It was further alleged that on several occasions, she was asked to get divorce by her sister-in-law and further amount of Rs. 50,000/- was demanded for household expenses.

10. In the FIR it is also alleged that in the month of December 2023, non applicant no. 2 herein with her husband started residing at Garkheda and Pisadevi where they stayed for two months but as the husband could not pay the rent, she was assaulted on 2-3 occasions. As she was not treated properly by the in-laws, therefore, she lodged report and came to her father's place on 17.01.2024 and started

residing there. In the meanwhile, she lodged complaint with the Police Station. These instances of cruelty resulted in lodging of the FIR.

11. In this background, learned counsel for the applicants submitted that even if the contents of the FIR are taken to be correct, they would not make out ingredients of the offences alleged against the applicants. He submits that the statements are omnibus and vague and no interference at the hands of this Hon'ble Court is required.

12. Per contra, learned APP and learned counsel for the non-applicant no. 2 have contended that in the FIR, it is specifically stated that present applicants have subjected the informant to the physical and mental harassment. According to them, the applicants, during the course of trial, can prove their innocence and interference at this stage may not be required.

13. With the help of the respective counsels, I have gone through the record of the case. FIR in the case was lodged by the non-applicant no. 2. It is dated 17.05.2024 whereas the non-applicant no. 2 was residing separately since 17.01.2024. If the allegations in the FIR are perused, the non-applicant no. 2 has submitted that the applicants used to tell her to ask her father to transfer the property in the name of father of the applicant. It is further contended in the FIR that she was blamed for the alleged incident of beating to the husband. It is also the case that on 13.06.2022, the informant was asked as to why she did

not cook the food and on that count, she was not only abused but also assaulted.

14. The FIR shows that the statements are made against the applicants are omnibus and vague. So far as the applicant no. 4 – Anita and her husband – applicant no. 5 are concerned, they are residing at District – Nagpur. The roles assigned to the other applicants are of general nature. Neither the FIR nor the material collected during the course of investigation shows any specific averments against the applicants.

15. At this juncture, it is necessary to note that the Hon'ble Apex Court in the case of ***Preeti Gupta and another V. State of Jharkhand and another*** reported in **(2010) 7 SCC 667**, has observed in paragraphs no. 32 to 36, as under :-

“32. It is a matter of common experience that most of these complaints under section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber,

peace and tranquility of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful."

16. In the aforesaid background, the allegations in the FIR if seen, it would be crystal clear that absolutely no specific case is made out against the present applicants / relatives of the husband are implicated. In the absences of prima facie case against them, permitting the prosecution to continue against the present applicants would not be in the interest of justice.

17. Hence, the following order :-

ORDER

I) Criminal Application is allowed.

II) FIR No. 0185/2024 dated 17-05-2024 registered with Karmad Police Station, Aurangabad for the offences punishable under section 498-A, 323, 504, 506 r/w. 34 of the Indian Penal Code final report , registration of Regular Criminal Case No 1604 of 2024 in the Court of Judicial Magistrate First Class at Aurangabad Dist.- Aurangabad as well as the order taking cognizance / issue process dated 19.08.2024 are hereby quashed and set aside.

[RAJNISH R. VYAS]
JUDGE

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