



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3197 OF 2024

1. Saurabh Ramesh Sawant
Age: 26 years, Occu.: Agri,
R/o: At post Irrigation Colony Area,
Newasa Fata, Mukindpur
Tq. Newasa , Dist: Ahmednagar.
2. Ramesh S/o Shaharam Sawant
Age: 53 years, Occu.: Medical Business,
R/o: At post Irrigation Colony Area,
Newasa Fata, Mukindpur
Tq. Newasa , Dist: Anmednagar.
3. Pragati W/o DnyaneshwarJadhav
@ Pragati D/o Ramesh Sawant
Age: 27 years, Occu.: Service,
R/o: BhanasHivra, Tq. Newasa,
Dist: Ahmednagar.
4. Dnyaneshwar S/o SambhajiJadhav
Age: 29 years, Occu.: Service,
R/o: Bhanas Hivra, Tq. Newasa,
Dist: Ahmednagar
5. Suwarna W/o Ramesh Sawant
Age: 46 years, Occu.: Household,
R/o: At post Irrigation Colony Area,
Newasa Fata, Mukindpur,
Tq. Newasa , Dist: Anmednagar

..APPLICANTS

VERSUS

1. State of Maharashtra
Through: In-charge Police Inspector,
Satara Police Station Aurangabad,
Tq. & Dist. Auranagabd.
2. Kalyani w/o Saurabh Saswant
Age: 23 years, Occu.: Education,

R/o: Presently residing at Aakash Residency,
Gut no.4, Martand Nagar, Satara Parisar, Satara,
Tq. & Dist. Aurangabad.

..RESPONDENTS

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Mr. S.R. Sapkal, Advocate for applicants
Mr. V.V. Jahagirdar, A.P.P. for respondent no.1 – State
Mr. A.N. Raut, Advocate for respondent no.2
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CORAM : RAJNISH R. VYAS, J.
DATE : 09th APRIL, 2026

PER COURT :

. The challenge in this application is to registration of F.I.R. and final report.

2. At the outset, learned counsel for the applicants has submitted that he has instructions to withdraw the application qua Applicant No.1 / husband. He, therefore, prays for withdrawal of application so far Applicant No. 1 is concerned.

3. Permission is granted. Criminal application as regards Applicant No.1 / Saurabh Ramesh Sawant is disposed of as withdrawn.

4. So far as Applicant Nos. 2 to 5 are concerned, they are father-in-law, married sister-in-law, husband of sister-in-law and mother-in-law of Respondent No.2 respectively. F.I.R. No 225 of 2024 dated 17th May, 2024 was registered with Satara Police Station, Dist. Aurangabad for the offences

punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code at the behest of Respondent No.2 / Kalyani Saurabh Sawant in all against five persons. Husband is the original Accused No.1.

5. Challenging the F.I.R. and initiation of criminal prosecution, learned counsel for the applicants has submitted that the allegations against the Applicant Nos. 2 to 5 are totally vague, and therefore, the application is liable to be allowed.

6. Per contra, learned counsel for Respondent No.2 has contended that there are specific allegations against the aforesaid accused and at the relevant time they were residing together under one roof, and therefore, application be rejected.

7. Learned A.P.P. has contended that mini trial at this stage cannot be conducted and consequently the evidence brought on record by way of final report cannot be appreciated. He also supported the stand taken by learned counsel for Respondent No.2.

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

9. The F.I.R. in question was lodged by Respondent No.2 / wife contending that her marriage was solemnized with Accused No.1 on 11th June, 2023 as per Hindu rites and ceremonies. In the marriage, her father had spent Rs.30 lakhs. He has also given gold ornaments worth 10 tola, which was kept by informant's in-laws. It was alleged that for four informant alongwith in-laws they resided together, during which period on trifle reasons the husband and in-laws used to quarrel wit her. It is due to this reason, since six months prior to lodging F.I.R., Respondent No.2 was residing at her parent's house.

10. According to Respondent No.2, her husband used to consume liquor frequently and to take drugs and had also extra marital relationship. When two months prior to lodging of F.I.R. Respondent No.2 had been to the house of in-laws, at that time Respondent No.2 questioned husband as to why he talks with the said lady. The husband, that count, assaulted Respondent No.2 by means of fist blows and also tried to push her from the second floor of the house.

11. So far as present applicants are concerned, it is alleged that they also used to pass comment due to some domestic reasons and say that her father had not given due respect in the marriage and had also not given appropriate gifts to them. It was further alleged that these accused persons had demanded amount of Rs.15 lakhs for establishing business of "gift shop"

for the husband. On that count she was subjected to mental and physical harassment. According to her, though her father on several occasions tried to convince the in-laws about lack of funds with him and requested not to harass Respondent No.2. But still the in-laws did not listen. It was further alleged that mother-in-law as well as sister-in-law used to instigate the husband and caused mental and physical harassment to her. Both of them also asked the husband to beat Respondent No.2. It was alleged that the husband used to go outside the house frequently and meet the said lady and had illicit relationship with her. Though Respondent No.2 on several occasions requested him to reside with her in proper manner, the husband did not listen to her advice.

12. It was further alleged that when she was residing at her parent's house, mother-in-law had said that she would perform second marriage of Accused No.1. According to the F.I.R., in the last week of September, the husband, mother-in-law and father-in-law so also sister-in-law had subjected her to mental and physical harassment and had also demanded an amount of Rs.15 lakhs for establishing the business of "gift shop". It is this narration of facts which has resulted in lodging of F.I.R. on 17th May, 2024. At this stage it is necessary to mention here that since the application preferred by the husband is not pressed, commenting anything on his role would not be necessary.

13. So far as allegations against other applicants are concerned, omnibus statement is made that on some domestic reasons and trifle count, Respondent No.2 was subjected to physical and mental harassment. General statement is made that the in-laws were given the gold ornaments gifted by father of Respondent No.2. It is also stated in the F.I.R. that so far as present applicants are concerned, mother-in-law and sister-in-law used to instigate Accused No.1 / husband and subjected her to mental and physical harassment. They also instigated Accused No.1 to assault Respondent No.2. The other allegations against mother-in-law is regarding threatening that she would perform marriage of Accused No.1 with some other girl.

14. If aforesaid allegations are considered, it would be crystal clear that the same are bereft of any date and period. The general, omnibus and vague allegations would not be enough to constitute prima facie case against the present applicants. Even according to the case of Respondent No.2 she was residing separately since the month of September 2024, whereas the F.I.R. was lodged on 17th May, 2025. Though delay in lodging the F.I.R. may not go to the root of the matter, but same can be taken as an additional factor for deciding the question of quashment so far as in-laws are concerned. As already stated, nature of allegations made against the present applicants are not sufficient to attract the ingredients of offences registered, continuation of criminal prosecution would not be in the interest of justice.

15. Law in this regard is crystal clear by authoritative pronouncement by Hon'ble Apex Court in case of ***State of Haryana and Others Vs. Ch. Bhajan Lal and Others, 1992 AIR 604***, wherein it has been categorically stated that if the allegations made in the F.I.R. and final report fails to make out any prima facie case, then the criminal prosecution can be quashed.

16. In the aforesaid background, as already stated, since there are only omnibus, general and vague allegations, the prosecution cannot be allowed to be continued against the present applicants. Hence, the following order :-

ORDER

- (I) Criminal application is partly allowed.
- (II) Criminal application qua Applicant No.1 - Saurabh Ramesh Sawant is disposed of as not pressed.
- (III) Criminal application is allowed in terms of prayer clauses (B) and (B-1) so far as Applicant No.2 / Ramesh Shaharam Sawant, Applicant No.3 / Pragati Dnyaneshwar Jadhav, Applicant No.4 / Dnyaneshwar Sambhaji Jadhav and Applicant No.5 / Suwarna Ramesh Sawant are concerned.

(RAJNISH R. VYAS, J.)

SSD