



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3371 OF 2024

1. PRIYANKA W/O SURESH JADHAV
2. RAHUL S/O. RAJU GARAD
3. RAJU S/O. SAKHARAM GARAD
4. SUMAN W/O. RAJU GARAD
5. SANJAY S/O. RAJU GARAD

VERSUS

1. THE STATE OF MAHARASHTRA
2. MIRA W/O. SANJAY GARAD

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Advocate for Applicants : Mr. Mahesh P. Kale

APP for Respondent No. 1 : Mr. V.S. Badakh

Advocate for Respondent No. 2 : Mr. Adkine Sonaji Kundlikrao

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**CORAM : RAJNISH R. VYAS, J.
DATE : 08TH APRIL, 2026**

PER COURT :

1. This is an application for quashment of First Information Report, consequent filing of final report, order taking cognizance by the Jurisdictional Magistrate.

2. The FIR no. 152/2024, dated 09.07.2024, was registered with Chudawa Police Station, District Parbhani, for commission of offences punishable under Sections 498-A, 323, 506, 504, 34 of the Indian Penal Code. In all five accused are named in the FIR. Accused no. 5 is husband of non-applicant no. 2/informant.

3. At the outset, learned counsel for the applicants submits, on instructions, that he will not press application as regards husband who is applicant no. 5. Thus, the application as regards applicant no. 5/husband stands disposed of as withdrawn.

4. Challenging registration of FIR then at the behest of applicant nos. 1 to 4, who are sister-in-law, brother-in-law, father-in-law and mother-in-law, respectively. Learned counsel for the applicants submitted that even if the allegations made in the FIR and final report are taken to be true, no man of ordinary prudence would arrive at the conclusion that the applicants have committed any offence, much less the offences registered and, therefore, the criminal prosecution against them is liable to be quashed and set aside.

5. Per contra, learned counsel for informant has submitted that since the charge-sheet is filed, the applicants can always take recourse to the discharge or face the trial. Learned APP has also supported the stand taken by learned counsel for the informant and has contended that powers under Section 482 of the Code of Criminal Procedure, are required to be exercised in exceptional situation.

6. With the help of respective counsels, I have gone through

the record of the case and given thoughtful consideration to the arguments advanced.

7. The FIR dated 09.07.2024, was lodged by informant Mira Garad, who has alleged that her marriage was performed on 29.12.2016, with Sanjay Garad. Non-applicant no. 2 has a five years old daughter born out of wedlock. Non applicant no. 2 was treated properly by the husband and in-laws for one year, but thereafter, the in-laws started demanding the amount of Rs. 50,000/- for purchasing a vehicle, and on that count, they used to mentally and physically harass her. On 06.12.2018, non-applicant no. 2, therefore, lodged the complaint with Police Station Chudawa, but thereafter in January 2019, due to intervention of the cousin brother of applicant, a meeting was arranged and compromise took place. Non-applicant no. 2 then started cohabiting with the accused persons.

8. It was alleged in the FIR that non-applicant no. 2 thereafter, was treated properly till the month of April 2021, but husband used to quarrel with non-applicant no. 2, frequently. Few months after, the present applicants again demanded amount of Rs. 5 Lakhs for construction of the house and abused, assaulted so also subjected her to mental and physical harassment. Non-applicant no. 2 then narrated the

incident to her parents and brother who showed their inability to pay the amount. The parents of non-applicant no. 2 then tried to convince the applicants but it did not yield any fruit. On 01.08.2021, the applicants again asked her to bring the amount from parents and threatened that in case, same is not done second marriage would be performed by her husband. She was then subjected to abuses and assault by means of fists and blows. She was also driven out of the house.

9. The final incident dated 01.08.2021, triggered registration of FIR dated 09.07.2024. It is necessary to mention here that even according to the case of the complainant, she was driven out on 01.08.2021, but the report is lodged on 09.07.2024, after substantial period. Though, delay in all cases will not go to the root of the matters but in the peculiar facts and circumstances, some plausible explanation could have been brought on record by non-applicant no. 2 for lodging FIR. The said additional factor goes in favour of the applicants.

10. Coming to the averments made in the FIR, so also statements of parents of non-applicant no. 2 and other witnesses recorded during the course of investigation, suffice it to say that what has been alleged against the present applicants is that all the applicants have initially demanded an amount of Rs. 50,000/- for the purchase of a motor

cycle and a further amount of Rs. 5 Lakhs for the construction of a house. These two demands are bereft of further specific details regarding time period. The vague and omnibus statement is made that all the applicants have demanded the amount and then abused and assaulted her. It is well settled principle of law that omnibus and general allegations against in-laws would not be enough to constitute offence under Section 498-A of the Indian Penal Code.

11. Neither the First Information Report nor the material collected during the course of investigation, shows the *prima facie* case against the present applicants. The generalized statement would not be enough to constitute *a prima facie* case against the accused persons. As far as the allegations made against accused no. 5/husband is concerned, since he has already withdrawn his application, commenting anything on his role would not be necessary.

12. It is the contention of learned counsel for non-applicant no. 2 and learned APP that while recourse can be taken to Section 239 of the Cr.P.C., it can be stated that the powers under Section 482 of the Cr.P.C. can also be exercised for doing complete justice. As there is no *prima facie* material available against the applicants, failure to exercise inherent powers under Section 482 Cr.P.C. would result in a failure of justice.

13. In the aforesaid background, continuation of criminal prosecution against the applicants would not be in the interest of justice.

Therefore, the following order is passed :

ORDER

- i. Criminal Application is partly allowed.
- ii. The FIR no. 152/2024, dated 09.07.2024, was registered with Chudawa Police Station, District Parbhani, for commission of offences punishable under Sections 498-A, 323, 506, 504, 34 of the Indian Penal Code as well as Charge-sheet No. 146/2024 bearing R.C.C. No. 169/2024, pending before the Judicial Magistrate First Class, Purna, and Order dated 25.09.2024, below Exhibit-1 issuing process, so far as present applicants are quashed and set aside.
- iii. Criminal Application is disposed of.

(RAJNISH R. VYAS, J.)