



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3479 OF 2024

1. Kusumbai W/o Raosaheb Dange
Age- 78 years, Occu. — Nil,
R/o. Village Dahegaon- Korhale,
Rahata, Ta. Rahata
Dist- Ahmednagar
2. Chayabai W/o Pandurang Raktate
Age- 58 years, Occu- Household.
R/o., Village Ladgaon Tal. Vaijapur,
Dist- Chh.Sambhajinagr
3. Chaitali D/o Pandurang Raktate
Age- 26 years, Occu- Education,
R/o. Village Ladgaon Tal. Vaijapur,
Dist- Chh.Sambhajinagr

..APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Waluj
Tq- Vaijapur. Dist-Chh. Sambhajinagar
2. Chaitali W/o Ganesh Raktate
@ Chaitali D/O Shivaji Somwanshi
Age- 28 years, Occu- Housewife
R/o C/o. Shivaji Harichandra Somwanshi
Shraddha Colony, Shivaji Nagar, Waluj
Tq. Gangapur, Dist. Chh. Sambhajinagar

..RESPONDENTS

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Mr. S.R. Andhale, Advocate for applicants
Mr. S.N. Morampalle, A.P.P. for respondent no.1 – State
Mr. S.K. Shinde, Advocate h/f Mr. R.V. Gore, Advocate for respondent no.2

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CORAM : RAJNISH R. VYAS, J.
DATE : 25th MARCH, 2026

PER COURT :

. Heard.

2. This is an application for quashment of the First Information Report No. 0286/2023 dated 04th September, 2023, registered at Waluj Police Station, Dist. Ch. Sambhajinagar for the offence punishable under Sections 323, 498- A, 504, 506 r/w 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act 1961 and consequent proceeding, i.e. R.C.C. No.185 of 2024 and order issuing process dated 08th April, 2024, passed by the Judicial Magistrate First Class, Gangapur, Dist. Chhatrapati Sambhajinagar.

3. In the FIR, a total of five accused were named. Present applicant no.1 – Kusumbai (grandmother-in-law) is Accused No.2, Chayabai (mother-in-law) is Accused No.3, and Chaitali (sister-in-law) is Accused No.3 in the said F.I.R. After completion of the investigation, the final report is filed against all the accused persons. Accused No.1 is the husband of informant/ Respondent No.2. It is informed by the counsel for the applicant that Accused No.4, Pandurang, had died.

4. In the F.I.R., Respondent No.2 / informant has contended that her marriage was solemnised on 21st February, 2021, with Accused No.1 – Ganesh

as per Hindu rites and ceremonies. After one month of marriage, i.e. on 27th March, 2021, her husband had demanded an amount of Rs. 6 lakh for the purchase of a bullet vehicle and for running the business of 'net cafe'. Respondent No.2 informed him that since the marriage was recently performed, the amount cannot be given. On that count, the husband used to harass the informant. The said fact was disclosed by Respondent No.2 to her parents, as the demands were repeated, and the parents of Respondent No.2 tried to convince the husband and in-laws of Respondent No.2. Thereafter, the accused persons also used to ill-treat Respondent No.2.

5. It was stated in the F.I.R. that Applicant No.1 – Kusumbai and Applicant No.2 – Chayabai always used to say that Respondent No.2 did not bring any fortune and had used abusive language. At that time, the parents of Respondent No.2 had also tried to convince them. Though thereafter for some time she was treated properly, harassment continued again. In July 2021, when the informant was carrying a two-month pregnancy, her husband, without any reason, assaulted her by means of fist blows and went away from the agricultural field.

6. It was further alleged that on 25th October, 2021, again the demand for money was made, and the informant was locked in the house, and her husband assaulted her. After 25th October, 2021, the informant started residing with her parents. On 26th June, 2023, she lodged the

complaint with the office of the Women Grievance Redressal Cell at Aurangabad, where no compromise was arrived at, and consequently, the F.I.R. as stated above was lodged.

7. In this background, learned counsel for the applicants submitted that the allegations made against the applicants are omnibus in nature and the delay in lodging the F.I.R. speaks for itself. He submitted that, based on vague allegations, the applicants cannot be prosecuted. He also stated that the husband has filed proceedings under Section 9 of the Hindu Marriage Act on 10th December, 2021. Since the husband is not before this Court, a comment on the said aspect would not be proper. He further submitted that Applicant No. 1 – Kusumbai is 78 years old, and Applicant No. 2 – Chayabai is 58 years old. He submitted that the continuation of criminal prosecution would not be in the interest of justice.

8. Per contra, learned A.P.P. and learned counsel for the Respondent No.2 / informant have contended that there are specific allegations against the applicants. Applicant Nos. 1 and 2 have said that the informant did not bring fortune to the house, and on that count, she was abused and harassed . Further, it is contended that defence, if any, can be taken during the course of the trial and Intervention at the hands of this Court, while exercising jurisdiction under Section 482 of the I.P.C., is not at all required.

9. With the assistance of both counsels, I have gone through the record of the case.

10. It is undisputed that the victim had left for her parents' house in 2021, whereas F.I.R. was lodged in 2023. Though delay in lodging the F.I.R. may not be fatal, the said fact will have to be looked into in the background of the present case.

11. So far as the allegations against the present applicants are concerned, it is the omnibus statement made by Applicant Nos. 1 and 2 stating that Respondent No.2 did not bring fortune to the house. So far as Applicant No.3 is concerned, only vague allegations are made. Considering the nature of allegations made against the applicants, suffice it to say that it will not constitute ingredients of the offence registered. The additional fact that there is absolutely no explanation for delay in lodging first information report, also lean in favour of the applicants. as far as demand of ₹6,00,000 is concerned, even according to the first information report, it is made by the husband and not by the present applicants, who is not before this court. Additional allegations of assault also involve the husband and not the present applicants. Thus continuation of criminal prosecution would not be in the interest of Justice. The learned prosecutor's contention that the defence can always present its case during the trial is not appealable because the prime case is not made out in the report.

12. The Hon'ble Apex Court in the case of ***State of Haryana and Others Vs. Ch. Bhajan Lal and Others, 1992 AIR 604***, has laid down the parameters for quashing the F.I.R. One of the parameters is 'absence of ingredients which could be covered from reading of the F.I.R./Final Report'. Perusal of the averments shows that the allegations made will not attract the ingredients of the offence registered, and therefore, I am inclined to pass the following order:-

ORDER

- (I) Criminal application is allowed.

- (II) First Information Report No. 0286/2023 dated 04th September, 2023 registered at Waluj Police Station, Dist. Chh. Sambhajinagar for the offence punishable under Sections 323, 498- A, 504, 506 r/w 34 of the Indian Penal Code and Section 3 and 4 of the Dowry Prohibition Act 1961 and consequent proceeding, i.e. R.C.C. No.185 of 2024 and order issuing process dated 08th April, 2024, passed by the Judicial Magistrate First Class, Gangapur, Dist. Chhatrapati Sambhajinagar, so far as present applicants are concerned, are set aside.

(RAJNISH R. VYAS, J.)

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