



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

CRIMINAL APPLICATION NO. 3963 OF 2024

1. KAKAJI S/O. MAHADU MORE
2. VAIJANTABAI W/O. KAKAJI MORE
3. SUDHAKAR S/O. KAKAJI MORE
4. PRAVIN S/O. KAKAJI MORE
5. MINABAI W/O. BHARAT AHIRE

VERSUS

1. THE STATE OF MAHARASHTRA
2. SARLA W/O. SHRIKANT MORE

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Advocate for Applicants : Mr. Ujwal Subhash Patil

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

Advocate for Respondent No. 2 : Mr. Jakhade Rutuja L.(through V.C.)

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CORAM : RAJNISH R. VYAS, J.

DATE : 16TH MARCH, 2026

PER COURT :

1. Heard the respective counsels.
2. This is an application for the quashing of the First Information Report, the chargesheet, the registration of the regular criminal case, and the consequent order taking cognizance. First Information report in question was registered with Songir Police Station, District Dhule, for commission of offences punishable under Sections 506, 504, 498-A, 323 read with 34 of the Indian Penal Code, dated 16.08.2024. The informant Sarla, wife of original accused no. 1 has stated that her marriage was solemnized on 07.05.2010, and all the

accused persons, had harassed her physically and mentally, since she was not in a position to deliver the child. It was her case that as she was not in a position to deliver the child, she insisted that the child of the relative be adopted which was opposed by her. On that count, on several occasions, she was ill-treated and on one occasion even husband had assaulted her.

3. In this background, the first information report was lodged. So far as present applicants are concerned, they are original accused nos. 2 to 6. The applicant no. 1 is father-in-law, applicant no. 2 is mother-in-law, applicant no. 3 is brother of the original accused no. 1, so also applicant no. 5. So far as applicant no. 6 is concerned, she is married sister of original accused no. 1. The husband has not approached this Court for praying for quashment.

4. Learned counsel for the applicants submit that there was no question of ill-treatment, since marriage was performed in the year 2010 and FIR was lodged in the year 2024. He submits that so far as allegations against the present applicants are concerned, same are vague and omnibus. He, therefore, prays for quashment of criminal prosecution.

5. Per contra, the learned APP submits that the perusal of the

FIR will disclose a *prima facie* case and that the ingredients of the offences are made out, and therefore, the application be dismissed.

6. Ms. Jakhade, learned counsel for the informant has contended that there is enough material and specific allegations are against all the applicants. The informant was subjected to ill-treatment by all the applicants and, therefore, the application may be dismissed.

7. With the help of both the counsels, I have gone through the record of the case. First information report in question was lodged on 16.08.2024, whereas marriage was performed on 07.05.2010. It is the case of the informant that since she was not in a position to conceive the child, the accused persons insisted that the child of the relative be adopted, which proposal / idea was not accepted by the informant and, therefore, she was ill-treated. In this regard, it is necessary to mention here that if first information report is perused, vague and omnibus statements are made against the applicants. Further, the chargesheet also shows that the statement of witnesses are absolutely same and would reveal that the parrot-like story has been advanced by the witnesses.

8. Be that as it may. The perusal of FIR would clearly reveals that the allegations made against the present applicants are omnibus in

nature. Absolutely no material has been brought on record to show that the ingredients of the offences of Sections 506, 504, 498-A and 323 of the IPC are made out, much less the ingredients of the offences punishable under Section 34 of the IPC, so far as the present applicants are concerned.

9. In that view of the matter, I am of the opinion that continuation of prosecution against the present applicants, would not be in the interest of justice and, therefore, the following order is passed :

ORDER

Criminal Application is allowed in terms of prayer clause A/a.

(RAJNISH R. VYAS, J.)

SPC