

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

29 CRIMINAL APPLICATION NO. 4090 OF 2024

Somesh Anil Kaurwar And Others

VERSUS

The State Of Maharashtra And Another

...

Mr. Gautam J. Karne - Advocate for Applicants

Mrs. B. B. Gunjal - APP for the State

Mr. Amol S. Gandhi - Advocate for Respondent No. 2

...

CORAM : NEERAJ P DHOTE, J.

DATED : 04TH MAY, 2026

PER COURT : -

1. This is an Application under Section 482 of the Code of Criminal Procedure, 1973, seeking the following reliefs : -

“B) The first informant report in Crime No.281/2024, dated 25.07.2025 registered with Vimantal, Police Station, Nanded, District Nanded U/sec.498-A, 323, 504, 506 r/w 34 of the Indian Penal Code and proceedings, if any, lodged on the basis of said crime may kindly be quashed and set aside to the extent of applicants.

B-1) Charge Sheet No. 70/2025 in Crime No. 281/2024 as well as further proceeding R.C.C. No. 648/2025 pending before the J.M.F.C. Court No. 6, Nanded District Nanded, in pursuance of said Charge Sheet for offence punishable U/s. 498-A, 323, 504, 506, r/w 34 of Indian Penal Code may kindly be quashed and set aside against the applicant.

B-2) The impugned order dated 30/04/2025 in RCC No.648/2025 passed by the Ld. JMFC, Nanded below Exh.-1 issuing process against applicants may kindly be quashed and set aside.”

2. Learned Advocate for the Applicants, on instructions, seeks leave to withdraw the Application to the extent of Applicant No. 1-

Somesh [husband], and Applicant No. 2 – Smt. Anusayabai [mother-in-law].

3. The aforesaid crime has been registered on the report lodged by Respondent No. 2. This is the second marriage for both Respondent No. 2 and Applicant No. 1. The marriage was solemnized on 31.12.2023. According to Respondent No. 2 (the informant), she was subjected to physical and mental harassment. The Applicants demanded dowry. She further stated that she came to know that Applicant No. 1 (her husband) was consuming some medicines. The applicants refused to allow her to come to the matrimonial house unless she fulfilled their demand for money. Eventually, a report was lodged with the police, and the aforesaid crime was registered.

4. Heard the learned Advocate for the Applicants, the learned APP for the State, and the learned Advocate for Respondent No. 2 / Informant. With their assistance, perused the papers.

5. It is submitted by the learned Advocate for the Applicants that, vague and omnibus allegations are made against the Applicants No. 3 and 4, who are the married sisters-in-law of Respondent No. 2 and residing separately. He submits that, accepting the case as it is, no case exists against Applicant Nos. 3 and 4 and the Application to their extent may be allowed.

6. Learned Advocate for Respondent No. 2 – Informant submits that, considering the report, the application may be dismissed.

7. Learned APP submits that there is a *prima facie* case against the Applicants and that the application be dismissed.

8. A perusal of the FIR shows that, the only allegations against Applicant Nos. 3 and 4, who are the married sisters-in-law and are residing separately, are that they used to instigate Applicant No. 1 (husband) to beat the informant. The allegations made against them are vague and omnibus in nature. The statements of other witnesses against Applicant Nos. 3 and 4 are also on similar lines. In view of these facts and circumstances, asking Applicant Nos. 3 and 4 to face trial would amount to an abuse of the process of law. Hence, the following order is passed: -

ORDER

- [i] The Application to the extent of Applicant No. 1 - Somesh [husband], and Applicant No. 2 – Smt. Anusayabai [mother-in-law] stands dismissed as withdrawn.
- [ii] The Application to the extent of Applicant Nos. 3 and 4 [sisters-in-law of the Informant] is allowed in terms of prayer clause 'B', 'B-1' and 'B-2' reproduced in foregoing paragraph no. 1.

[NEERAJ P DHOTE]
JUDGE