



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4360 OF 2024

1. Subhash S/o Jalbaji Pandit
Age. 54years, Occ. Labour,
2. Sunita W/o Subhash Pandit,
Age 48 years, Occ. Household,

Above both R/o Erandeshwar,
Tq Purna, Dist. Parbhani,
3. Anudeep S/o Subhash Pandit,
Age 31 years, Occ. Service,
4. Sangharsh S/o Subhash Pandit,
Age 28 years, Occ. Service,

Applicant No. 3 & 4 R/o. Indewadi,
Ambad road, Tq & Dist. Jalna
5. Pallavi W/o Ankush Dudhmal
@ Pallavi D/o Subhash Pandit,
Age 26 years, Occ. Household,
R/o At post Kawalgoan, Tq. Purna,
Dist. Parbhani,

..APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Station Hingoli rural,
Tq & Dist.Hingoli.
2. Laxmi W/o Satish Pandit,
Age 28 years, Occ. Household,
R/o. At present C/o Nandraj Arjuna Dhavase,
Deothana, Tq.& Dist.Hingoli.

..RESPONDENTS

....

Mr. S.S. Jangada, Advocate for applicants
Mr. S.N. Morampalle, A.P.P. for respondent no.1 – State
Mr. V.N. Dhavse, Advocate for respondent no.2

....

CORAM : RAJNISH R. VYAS, J.
DATE : 07th APRIL, 2026

PER COURT :

. The challenge in this application at the instance of original Accused No.2 to 6 is to the F.I.R. No. 200 of 2024 dated 08th May, 2024 registered with Hingoli Rural Police Station, Dist. Hingoli for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code (hereinafter referred to as 'I.P.C.'), consequent charge-sheet, order dated 13th November, 2024 taking cognizance and R.C.C. No. 507 of 2024 pending before the Court of Judicial Magistrate First Class, Hingoli. Original Accused No.1/husband has not preferred application for quashing.

2. Heard Mr. Jangada, learned counsel for the applicant, Mr. Morampalle, learned A.P.P. for Respondent No.1 – State and Mr. Dhavse, learned counsel for Respondent no.2 – informant.

3. Learned counsel for the applicants has contended that perusal of final report would reveal that the allegations made against the present applicants are of general nature, and therefore, it cannot be said that ingredients of offences registered against them are attracted. He submitted that in absence of prima facie case, the applicants cannot be tried. He, therefore, requested for allowing the application.

4. Per contra, learned counsel for Respondent No.2 / informant stated that there are specific allegations against the applicants. According to him, all the applicants were residing under one roof, and therefore, Section 34 of the I.P.C. is also rightly invoked. He further contended that considering the scope of Section 482 of Code of Criminal Procedure, minute examination of material available on record is not permissible.

5. Learned A.P.P. has supported the stand taken by learned counsel for Respondent No.2 and further argued that since the applicants are close relatives of the husband and since the allegations also pertain to common intention, defence of the present applicants can be tested during the trial. He, therefore, prayed for dismissal of application.

6. With the assistance of respective counsels, I have gone through the record of the case.

7. The F.I.R. was lodged at the behest of Respondent No.2 / Laxmi Satish Pandit, who has stated that her marriage was solemnized on 22nd May, 2015 with Accused No1. / Satish Pandit and in marriage her parents has gifted her husband a ring and also various household articles. According to the F.I.R., after the marriage she started residing with all the applicants, who treated her properly for one month, but thereafter the applicants used to pass a comment that she was not good looking and does not know how to perform

household work. It is alleged in the F.I.R. that comments were also passed that Respondent No.2 has no cooking skills and it was stated that the second marriage of Accused No.1 would be performed on this ground. She was subjected to mental and physical ill-treatment.

8. It was also alleged in the F.I.R. that Respondent No.2 was blessed with a child and she was under impression that the applicants would treat her properly. However, behavior of the applicants did not change and their harassment continued.

9. It was further alleged in the F.I.R. that thereafter Respondent No.2 and applicants shifted to Dhule. There also suspecting the character of Respondent No.2, she was beaten and driven out of the house. At that time father and relatives of Respondent No.2 intervened and settled the matter. The applicants then resumed her cohabitation. It was alleged that on 12th June, 2022, husband of Respondent No.2 by hatching conspiracy with the applicants assaulted her and driven her out of the house. Thereafter also father of Respondent No.2 had tried to convince the applicants. On 15th October, 2023, husband of Respondent No.2 came home under the influence of liquor, latched the door and assaulted Respondent No.2 by means of kicks and fist blows, so also demanded an amount of Rs.2 lakhs and driven her out of the house with the child. Respondent No.2 then approached the Women Grievance Redressal Forum, Hingoli so that she would be in a position to

cohabit with the husband. However, the applicants and husband did not accept the request of Respondent No.2. It is in this background, criminal law was set in motion.

10. After registration of F.I.R., investigation of crime triggered. Statements of father / Nandraj, mother / Mayabai, brother / Pramod and uncle / Yashwanta of the informant were recorded. Perusal of material produced on record would reveal that the allegations against the present applicants are general and omnibus in nature. It is alleged that all the applicants have harassed Respondent No.2 on the ground that she is not good looking and she has no cooking skills. She was also harassed suspecting her character. The other allegations are against the husband.

11. At this stage it is necessary to mention here that since the husband has not approached this Court, commenting anything about his role would not be necessary. Suffice it to say that general and omnibus statements would not be enough to constitute the ingredients of offences registered against the applicants. The F.I.R., so also the statements recorded of the witnesses, are also silent about the specific role played by the applicants.

12. Though learned counsel for Respondent No.2 has stated that all the applicants were residing under one roof, and therefore, recourse to Section 34 of the I.P.C. was taken, which is the foundation statement of

informant, but it cannot be ignored that in absence of specific role assigned to the present applicants, continuation of prosecution would not be in the interest of justice. As far as contention of learned counsel for Respondent No.2 that mini trial can not be conducted while exercising powers under Section 482 of Code of Criminal Procedure is concerned, it can be said that limited scrutiny of material to verify whether prima facie case is available would not amount to conducting mini trial.

13. Learned counsel for the applicants has rightly relied upon the law laid down by the Hon'ble Apex Court in case of ***Preeti Gupta and Anr. Vs. State of Jharkhand and Anr.***, reported in ***2010 (7) SCC 667***, more particularly paragraph nos. 32 to 34, which read as under :-

“32. It is a matter of common experience that most of these complaints under Section 498A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their

abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.”

14. Considering the law laid down by the Hon’ble Apex Court and the materials available on record against the present applicants, I am of the view that prima facie case is not made out against the applicants, hence the following order :-

ORDER

- (I) Criminal application is allowed.
- (II) F.I.R. No. 200 of 2024 dated 08th May, 2024 registered with Hingoli Rural Police Station, Dist. Hingoli for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code, consequent charge-sheet, order dated 13th November, 2024 taking cognizance and R.C.C. No. 507 of 2024 pending before the Court of Judicial Magistrate First Class, Hingoli are quashed and set aside, qua the present applicants.
- (III) Trial to proceed against Accused No.1 / husband.

(RAJNISH R. VYAS, J.)