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

CRIMINAL APPLICATION NO.4574 OF 2024

1. Ashok S/o. Devrao Ingewad [Husband]
Age-36 years, Occu-Service,
R/o. Near Hanuman Temple,
Waghala, New Nanded
Kautha Nanded
2. Prayagbai Devrao Ingewad [Mother-in-law]
Age-56 years, Occu-Household,
R/o. Near Hanuman Temple,
Waghala, New Nanded
Kautha Nanded
3. Devora S/o. Manikrao Ingewad [Father-in-law]
Age-66 years, Occu-Agri,
R/o. Near Hanuman Temple,
Waghala, New Nanded
Kautha Nanded

**[APPLICATION IS ALREADY WITHDRAWN AS AGAINST APPLICANT
NOS.1 TO 3 BY ORDER DATED 25-11-2024]**

4. Shivaji Devrao Ingewad [Brother-in-law]
Age-40 years, Occu-Agri,
R/o. 10-3-4, Near Hanuman Temple,
Waghala, New Nanded
Kautha Nanded
5. Shital Shivaji Ingewad [wife of applicant No.4]
Age-36 years, Occu-Household,
R/o. 104, Near Hanuman Temple,
Waghala, New Nanded
Kautha Nanded
6. Sharada Narsingrao Surewad @ Suryawad
[Sister-in-law]
Age-53 years, Occu-Household,
R/o. Sai Chouk Ratan Krupa,
S. N. 121, Sus Road, Flat No. 17
Pashan, Pune

...APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Barad Police Station,
Dist. Nanded
 2. Alka W/o. Ashok Ingewad [Informant]
Age-29 years, Occu- Household,
R/o. At present Vaijapur Pardi,
Tq. Mudkhed, Dist. Nanded
- ...RESPONDENTS**

Mr. D. M. Shinde, Advocate for the applicants
Mr. N. D. Raje, APP for the respondents/State
Mr. Rahul P. Dhase, Advocate for the respondent No. 2

CORAM : RAJNISH R. VYAS, J.

DATE : 07th APRIL, 2026

PER COURT :

1. Taking exception to the registration of the First Information Report bearing No. 92 of 2024 dated 22-09-2024 registered with Barad Police Station, Dist. Nanded for commission of offences punishable under Sections 85,89,115 (2), 352, 351(2) and 3(5) Bhartiya Nyaya Sanhita at the instance of non-applicant No.2- Alka, the applicants have invoked inherent jurisdiction of this court.

2. At the outset, it is necessary to mention here that on 25-11-2024 since this court had shown disinclination to grant any relief to original accused Nos. 1 to 3, the application was not pressed and accordingly it was withdrawn against the applicant Nos. 1 to 3, vide

order dated 25-11-2024 of this court.

3. Now the proceeding pertains to original accused Nos. 4 to 6. Applicant No.4- Shivaji Devrao Ingewad [Brother-in-law], applicant No. 5-Shital Shivaji Ingewad [wife of applicant No.4] and applicant No. 6-Sharada Narsingrao Surewad @ Suryawad [sister in law]. It is further necessary to mention here that after registration of the FIR and completion of the investigation charge-sheet came to be filed and consequently RCC No. 88/2025 was registered, in the charge-sheet charges under Section 89 & 92 of Bhartiya Nyaya Sanhita were dropped.

4. Learned advocate for the applicants in order to support his case for quashment has contended that allegations made against the applicants are totally vague and therefore, they cannot be tried for commission of offences registered. He submitted that allegations made against the original accused Nos. 1 to 3 may not be dealt with considering the fact that their application is already withdrawn.

5. According to the learned advocate for the applicants the dispute is principally between non-applicant No.2 and husband and the present applicants are unnecessarily roped into the said crime. He submitted that it cannot be ignored that in matrimonial proceeding there is tendency to rope all the family members. He thus, prayed for

quashment of the FIR.

6. Learned advocate for the non-applicant No.2 on the contrary has submitted that final report clearly shows that there are specific allegations against the original accused Nos. 4 to 6 and therefore, mini trial may not be conducted at this stage. He thus, prayed for dismissal of the application. Joining hands with counsel for the non-applicant No.2, the learned APP has contended that in depth enquiry at this stage is not required and the accused can always raise their defenses before the trial court either by preferring an application for discharge or leading evidence once the charge is framed.

7. With the assistance of the respective counsels, I have gone through the record of the case. The FIR in question was filed by the non-applicant No. 2 in which she has stated that her marriage was solemnized on 22-05-2021 with Ashok Ingewad in which the amount of Rs.7,60,000/- was given towards dowry, so also, gold ornaments and motorcycle as well household articles. According to her after three days of marriage in-laws started physically and mentally harassing her. It was her case that in-laws used to say that marriage was not performed as per rites and ritual and on that count the mother-in-law used to harass her.

8. It is also alleged that on one occasion hot meal was thrown on her person by father-in-law. It is alleged that in the month of October, 2016 when she was pregnant which fact was informed by her to the husband and mother-in-law at that time father-in-law, mother-in-law, brother-in-law and sister-in-law had asked her to terminate the pregnancy. As the non-applicant No. 2 did not honour their request, the father-in-law, mother-in-law so also brother-in-law, sister-in-law with a view to cause abortion asked the non-applicant No.2 to perform more work and had kept her empty stomach. She was then also abused and assaulted.

9. It was further alleged that when sister-in-law had delivered a child and returned to her parents' place, she was gifted with a gold locket of 2 tolas. On that count mother-in-law had passed a comment that child of non-applicant No.2 was not gifted anything and subjected her to ill-treatment.

10. So far as present applicants are concerned that in the month of May, 2023 when the informant had been to her matrimonial place, the husband did not give time to her. On one occasion husband had beaten her and dropped her at her parents place and went away. The informant then contacted her cousin uncle who took him to her matrimonial place. At that time the applicant Sheetal, Shivaji, mother-in-law & father-in-law had abused, assaulted

her and driven her out of the house. The non-applicant No.2 thereafter returned to her parents place.

11. It is also alleged in the FIR so far as applicant Shivaji that in the month of October, 2023 when she was residing alone in the house, he came and disconnected the electricity supply to the borewell and the light and had asked her to went out of the house. He then locked the door also.

12. At this stage, it is necessary to mention here that the Hon'ble Apex Court in the Case of State of Hariyana Vs Bhajanlal, AIR 1992 SC 604 has categorically stated that if the contents of FIR and the final report fails to make out any prima facie case, the prosecution can be quashed.

13. In final report other allegations are made against the husband, father-in-law and mother-in-law. Considering the fact that their application is not pressed, it would not be necessary to comment anything in that regard.

14. So far as role assigned to the present applicant Nos. 4 to 6 is concerned, as already stated that it is clear that there are general and omnibus statement which are made against them. The complaint as well as statement recorded during the course of the investigation which are produced on record are bereft of any specific material. The

general and omnibus statement would not be enough to attract the ingredients of the offences registered. It cannot be ignored that in the matrimonial proceeding there is tendency to rope into all the relatives of the husband. The applicant No. 6 is the married sister-in-law who is residing separately. So far as applicant No.4 and 5 are concerned, perusal of the final report would reveal that they were not actively involved day-to-day life of the original accused No.1 and non-applicant No.2. In that view of the matter, continuation of the prosecution against the present applicant Nos. 4 to 6 would not be in the interest of justice. Hence, the following order is passed:

ORDER

- a] The application is allowed in terms of prayer clauses-[B],[B-1]& [B-2] to the extent of present applicants Nos. 4 to 6.
- b] The application is disposed off.

[RAJNISH R. VYAS, J.]