



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4693 OF 2024

1. Laxmikant Ambadas Ingole
Age: 25 years, Occu.: Student,
R/o Waranga, Post Nandapur,
Tq. Kalamnuri, Dist. Hingoli

2. Suraj Ambadas Ingole
Age: 19 years, Occu.: Student,
R/o Waranga, Post Nandapur,
Tq. Kalamnuri, Dist. Hingoli

..APPLICANTS

VERSUS

1. State of Maharashtra
Through Police Inspector,
Kalamnuri Police Station,
Tq. Kalamnuri, Dist. Hingoli

2. The Superintendent of Police
SP Office, Hingoli,
Tq. & Dist. Hingoli

3. Mrs. Subhangi Tejswi Ingole
Age: 24 years, Occu.: Household,
R/o Kalamkonda Khu.
Tq. Kalamnuri, Dist. Hingoli

..RESPONDENTS

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Mr. A.G. Kale, Advocate for applicants
Mr. S.N. Morampalle, A.P.P. for respondent nos.1 and 2
Ms. S.R. Kasture, Advocate for respondent no.3

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CORAM : RAJNISH R. VYAS, J.
DATE : 27th MARCH, 2026

PER COURT :

. The challenge in this application is to the F.I.R. No. 315 of 2024 dated 18th June, 2024, registered with Kalamnuri Police Station, Dist. Hingoli for commission of offence punishable under Sections 323, 498-A, 504 and 34

of the Indian Penal Code at the instance of Accused Nos. 4 and 5, so also filing of Final Report, R.C.C. and order of issuing summons dated 31st December, 2024 by the Judicial Magistrate First Class, Kalamnuri.

2. The present applicants are real brothers of Accused No.1 – Tejaswi Ingole, who is the husband of Respondent No.3 / informant, and was working with the Indian Armed Forces. The marriage of Accused No.1 and Respondent No.3 was solemnised on 26th May, 2022. It was alleged in the F.I.R. that in-laws treated Respondent No.3 properly for the first three months, but thereafter, all the accused used to harass her. So far as the allegations regarding the present applicants are concerned, it was stated that they, along with the mother-in-law and father-in-law of Respondent No.3, used to instigate Accused No.1 to demand an amount of Rs. 5 lakh from Respondent No.3 for the purchase of a car and, on that count, used to harass and ill-treat her. A specific statement is made that the applicant, Laxmikant, harassed the Respondent No. 3 on the ground that Respondent No. 3 does not know how to cook. In contrast, the applicant, Suraj, used to question Respondent No.2 as to why the food was not served to him.

3. In the first information report, the other allegations are made against the in-laws as well as the sister-in-law and her husband. Considering that the other accused have not approached this Court, a limited look into the matter is taken.

4. In this background, learned counsel for the applicants submitted that even if the allegations made in the F.I.R. are taken to be true, no man of ordinary prudence will conclude that the applicants have committed any offence, much less an offence committed. He submitted that the F.I.R. is a striking example of the abuse of criminal law and a counterblast. He submitted that the brother of the applicants, viz. Tejaswi / original Accused No.1 has preferred HMP No. 148 of 2023 dated 11th September, 2023 under Section 13(1)(iii) of the Hindu Marriage Act against Respondent No.3 and prayed for divorce. To pressurise the husband and his relatives, an F.I.R. was lodged. He thus submitted that the F.I.R. be quashed and set aside.

5. Per contra, learned counsel for Respondent No.3 submitted that there are specific allegations against the present applicants, and a mini-trial cannot be taken at this stage.

6. Learned A.P.P. also supported the stand taken by learned counsel for Respondent No.3 and contended that the allegations made in the F.I.R. prima facie attract the ingredients of offences registered. Therefore, the application should be rejected.

7. With the help of respective learned counsels, I have gone through the record of the case. Marriage between original Accused No.1 and Respondent No.3 was solemnised on 26th May, 2022. Thereafter, the original

Accused No.1, on 11th September 2023, filed a proceeding under the Hindu Marriage Act as stated above. The F.I.R. in question was lodged on 18th June, 2024. Though delay in lodging the F.I.R. could not be said to be fatal in all cases, it can be a vital factor in deciding the question of quashment of F.I.R.

8. So far as the role assigned to present applicants is concerned, an omnibus statement is made that the present applicants, along with the mother and father, used to instigate original Accused No.1 to demand an amount of Rs. 5 lakh from Respondent No.3. The period, date and time are absolutely silent in that regard. As far as other allegations that the present applicants used to harass the Respondent No.3 by saying that Respondent No.3 does not know how to cook the food is concerned, suffice it to say that the same would fall short to attract the ingredients of offences registered.

9. The allegations against the present Applicant No. 3 pertain to harassment of the Respondent No. 3, in which she was questioned as to why she does not serve food to him. Even the statements of the father and mother of Respondent No.3 show that they have also advanced the same story as advanced by Respondent No.3. Even these narrations of the incident are made with specific details. Since the allegations made against the present applicants are totally vague and do not meet the ingredients of the offences registered, I am inclined to allow the application.

10. The law about quashing of criminal prosecution is crystal clear. The Hon'ble Apex Court in the case of *State of Haryana and Others Vs. Ch. Bhajan Lal and Others, 1992 AIR 604*, have categorically stated that the F.I.R. can be quashed if the allegations prima facie fail to constitute a cognizable offence. In that view of the matter, the following order is passed:-

ORDER

- (I) Criminal application is allowed.
- (II) The F.I.R. No. 315 of 2024 dated 18th June, 2024, registered with Kalamnuri Police Station, Dist. Hingoli for commission of offence punishable under Sections 323, 498-A, 504 and 34 of the Indian Penal Code, so also the consequent Final Report, R.C.C. and the order of issuing summons dated 31st December, 2024, passed by the Judicial Magistrate First Class, Kalamnuri, are quashed and set aside, qua the present applicants.
- (III) At this stage, it is necessary to note that learned counsel appointed to represent Respondent No.3 has pointed out various documents showing that the applicants are involved in the offence. In that view of the matter, her fees are quantified at Rs. 8,000/- to be paid by the High Court Legal Services Sub-Committee, Aurangabad.

(RAJNISH R. VYAS, J.)