



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

CRIMINAL WRIT PETITION NO. 1451 OF 2024

1. SUNIL DIGAMBAR THORAT
2. DIGAMBAR BABURAO THORAT
3. LATA DIGAMBAR THORAT
4. GANESH DIGAMBAR THORAT
5. RUPALI GANESH THORAT
6. BHAGWATI PRAVIN GHOLAP
7. PRAVIN RANGNATH GHOLAP

VERSUS

1. THE STATE OF MAHARASHTRA
2. ASHWINI SUNIL THORAT

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Advocate for Petitioners : Ms. Karishma S. Sarin
h/f. Mr. Vikhe Pratap B.

APP for Respondent No. 1 : Mr. V.V. Jahagirdar
Advocate for Respondent No. 2 : Mr. S.P. Bhagwat

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**CORAM : RAJNISH R. VYAS, J.
DATE : 06TH APRIL, 2026**

PER COURT :

1. The challenge in this application is to the registration of first information report and final report and order taking cognizance, at the instance of total seven accused persons.
2. Applicant no. 1 is husband, applicant no. 2 is father-in-law, applicant no. 3 is mother-in-law, applicant no. 4 is brother-in-law, applicant no. 5 is wife of brother-in-law, applicant no. 6 is sister-in-law and applicant no. 7 is husband of sister-in-law.

3. At the outset, learned counsel for the applicants, on instructions, has not pressed the application qua applicant no. 1/husband, therefore, the application of applicant no. 1 is disposed of as withdrawn with liberty to approach the trial Court.

4. In First Information Report No. 473/ 2021, registered with Shevgaon Police Station, District Ahmednagar, for commission of offences under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, informant has alleged about the ill-treatment at the hands of the accused persons.

5. It is contended by the learned counsel for the applicants that even if contents of report are taken to be true no man of ordinary prudence would arrive at the conclusion that applicants have committed any offence, much less the offences registered. She submitted that allegations qua the in-laws are omnibus and general and, therefore, they cannot be tried for offence charged.

6. Per contra, learned counsel for the informant has submitted that the material produced on record would clearly reveal that specific allegations are made against husband as well as in-laws. He, therefore, prayed for dismissal of the application and has also stated that conducting

mini trial at this stage is not permissible.

7. Learned APP has supported the stand taken by the learned counsel for non-applicant no. 2 and has contented that all the applicants are residing under one roof and, therefore, recourse to Section 34 of the IPC, is rightly taken.

8. So far as allegations in FIR are concerned, it is alleged by non-applicant no. 2, that her marriage was performed on 04.12.2016, with Sunil Thorat and on 28.01.2017, he was appointed at the D Plasit Company at Pune. She went to reside with him at Wagholi, Pune. Non-applicant no. 2 and her husband were blessed with a daughter, at which time, the husband went to visit her at parents' house, where he asked non-applicant no. 2, to bring an amount of Rs. 10 Lakhs from her parents in order to purchase a flat at Pune. The informant showed financial difficulty of the parents and refused to fulfill demand, due to which she was abused and threatened.

9. So far as other applicants i.e. applicant nos. 2 to 7 are concerned, it was alleged that when the informant went to her matrimonial house on 24.08.2018, and during her stay all the applicants had harassed non-applicant no. 2 and her daughter mentally and

physically. They also stated that in case an amount of Rs. 10 Lakhs for purchasing the flat is not brought from the parents of non-applicant no. 2, they would not allow her to stay with them, and on that count, non-applicant no. 2 subjected to mental and physical harassment.

10. So far as husband is concerned, it was alleged that he used to come under the influence of liquor and abused and assault non-applicant no. 2, demanding the aforesaid amount. Non-applicant no. 2 had contended that she had asked the aforesaid fact to her brother, telephonically and called him at her matrimonial house. The husband of non-applicant no. 2 had informed the brother of non-applicant no. 2 that they should bring amount of Rs. 10 Lakhs for purchasing the flat at Pune. The husband then assaulted the informant, snatched away her gold articles and driven non-applicant no. 2 and daughter out of the house empty stomach.

11. It was alleged that brother of informant then took her to his place.

12. According to the FIR, all the applicants then called the parents of non-applicant no. 2 and informed that they are not willing to take back non-applicant no. 2 with them and in case, they desire that non-

applicant no. 2 should live with them, then amount of Rs. 10 Lakhs will have to be paid.

13. In this background, on 21.06.2021, non-applicant no. 2, initially approached the Women's Grievance Redressal Cell at Ahmednagar, but as husband did not remain present in spite of repeated calls, further action of registration of FIR was taken.

14. The perusal of FIR would reveal that it was the husband who had demanded the amount from non-applicant no. 2, so also assaulted her. Since the application of husband is not pressed, commenting upon his role, would not be necessary. So far as allegations qua the present applicants are concerned, same are totally vague and omnibus. A general statement is made that applicant nos. 2 to 7, have demanded the amount for purchase of the flat and subjected the informant to mental and physical harassment. The further general allegation is regarding asking the parents of informant to bring amount of Rs. 10 Lakhs. The said statement would not be enough to attract ingredients of offences registered against the applicants. It is a well-settled principle of law that if the FIR and materials collected in relation thereto fail to disclose a *prima facie* offence, then continuation of the prosecution would not be in the interest of justice.

15. Learned counsel for the applicants has rightly relied upon by the law laid down by the Hon'ble Apex Court in case of **Sanjay D. Jain and Others Versus State of Maharashtra and Others, reported in 2025 SCC OnLine SC 2090**, more particularly, paragraph nos. 9, 10 and 12, which are reproduced here :

9. Before examining the FIR along with the complaint of the complainant, we may refer to the parameters that are to be borne in mind while entertaining the prayer for quashing of the FIR. If the allegations made in the FIR or the complaint, even when taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out any case against the accused, quashing of the proceedings would be justified. Vague and general allegations cannot lead to forming of a prima facie case. As regards the ingredients for making out an offence punishable under Section 498-A of the Penal Code is concerned, the requirement is that there has to be cruelty inflicted against the victim which either drives her to commit suicide or cause grave injury to herself or lead to such conduct that would cause grave injury or danger to life, limb or health. The latter part of the provision refers to harassment with a view to satisfy an unlawful demand for any property or valuable security raised by the husband or his relatives. These aspects have been considered in detail in a recent decision in [Digambar and Another](#) (supra) (to which one

of us, B.R. Gavai, J, as he then was, was a party).

10. A perusal of the FIR and its consideration in entirety indicates that statements of a general nature have been made therein as against the present appellants. The complainant states that on 07.08.2021 when she had gone to her parental house, she had received a call from her mother-in-law raising a demand for clothes and jewellery. When she returned to her matrimonial house on 30.08.2021, she had taken few clothes for the family members. Except this statement, all other statements are of a general nature as well as vague without any particulars. There are other omnibus statements made in the complaint without any particulars whatsoever. It is also to be noted that for the purpose of constituting an offence punishable under Section 498-A of the Penal Code, cruelty as indicated in the Explanation to the said provision must be stated to be inflicted. The cruelty caused by the husband and his family members should be of such nature that it is inflicted with the intention to cause grave injury or drive the victim to commit suicide or inflict grave injury to herself. Such allegations are absent in the present case. We do not find that on a complete reading of the complaint, a prima facie case for proceeding under Section 498-A of the Penal Code has been made out against the appellants.

11.

12. *For the aforesaid reasons, we are satisfied that on the touchstone of the law [laid down in State of Haryana and Others vs. Bhajan Lal and Others](#)², a case has been made out by the appellants for quashing of the criminal proceedings lodged against them under Sections 498-A, [377](#) and 506 read with [Section 34](#) of the Penal Code. Continuation of these proceedings would amount to an abuse of the process of law and, hence, the appellants are entitled to relief.”*

16. In this background, it can be said that the vague allegations in the final report would not be enough to attract the ingredients of offences registered. So far as contention of learned APP and learned counsel for non-applicant no. 2 that mini trial cannot be conducted, suffice it to say that scrutiny of material in order to assess whether *prima facie* case is made out or not, would not constitute conducting of mini trial. As the material on record fails to make out *prima facie* case against applicant nos. 2 to 7, and since the application for quashment is not pressed by the learned counsel for the applicants at the instance of the husband, I am inclined to pass following order :

ORDER

- i. The First Information Report bearing Crime No. 473/2021, registered on 06.08.2021 with Shevgaon Police Station, Dist.

Ahmednagar, under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code along with Charge-sheet bearing R.C.C. No. 274/2021 dated 27.09.2021, pending before Judicial Magistrate First Class, Shevgaon, Tq. Shevgaon, Dist. Ahmednagar, along with the order issuing process dated 28.09.2021, are quashed and set aside qua applicant nos. 2 to 7.

- ii. Trial can proceed against applicant no. 1 / husband.
- iii. Criminal Application is disposed of.

(RAJNISH R. VYAS, J.)

SPC