

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.216 OF 2024

Shilratan Shrimant Gaikwad and ors. : Applicants
Versus
State of Maharashtra and anr. : Respondents.

Mr. Ashok Tajane a/w Adv. Ashvini Mehetre for the
Applicants.

Mr. Tanveer G Khan, APP for the Respondent/State.

Mr. Sandeep M Phatak for the Respondent No.2.

CORAM : ASHWIN D. BHOBE, J.

DATED : 23 FEBRUARY 2026

PC:-

1. Heard Mr. Ashok Tajane, learned Advocate for the Applicants, Mr. Tanveer Khan, learned APP for the Respondent/State and Mr. Sandeep Phatak, learned Advocate for the Respondent No.2.

2. This Application under Section 482 of the Criminal Procedure Code is preferred by the Applicants for the quashing of the FIR No.138 dated 13.03.2023 ("impugned FIR"), registered with the Vimantal (Airport) Police Station, Pune City, for offences punishable under Sections 498A, 323,

504 r/w Section 34 of the IPC, and the Charge Sheet registered as RCC No.3205 of 2023 on the file of the Court of the Chief Judicial Magistrate, Pune.

3. The material facts for the disposal of the present Application are that Applicant No. 1 was married to Respondent No. 2 on 19.05.2019. Applicant Nos. 2 to 8 are the family members of Applicant No. 1.

4. Respondent No.2, in her first complaint dated 03.02.2023, filed with the Police Inspector, Women's Cell, Pune City, alleged harassment and cruelty since the day of her marriage. The complaint details how her in-laws and other family members of Applicant No.1, including the sister-in-law and her husband, have been demanding dowry, harassing, and treating Respondent No.2 with cruelty to fulfil the demand. The allegations regarding the demand for dowry and the manner in which Respondent No.2 was treated by the Applicants are set out in detail. Despite the complaint dated 03.02.2023, the Women's Cell did not act on it, prompting Respondent No.2 to send a reminder dated 24.02.2023. The said reminder did not yield any result.

5. With no respite, the Respondent No.2 approached the Respondent No.1 with her complaint on 13.03.2023. In the said complaint, the Respondent No.2 reiterated incidents from 19.05.2019, including the demand for dowry, abuse, and

assaults on her by her in-laws, as also by the Applicant No.1. Specific allegations of abuse against Applicant No.1, including assaulting Respondent No.2 while under the influence of liquor, have been made. The material accompanying the Charge sheet includes the medical examination records of Respondent No. 2.

6. Mr. Ashok Tajane, learned Advocate for the Applicants, submits that the complaint filed by Respondent No.2 is false and was filed as an afterthought. He submits that Respondent No.2 left the matrimonial house on 14.11.2022. In his view, the complaint, filed almost three years after the marriage, is mischievous. He submits that if the Applicants had treated Respondent No.2 with cruelty in the manner alleged, Respondent No.2 would not have waited so long and would have immediately filed a complaint. He submits that Respondent No.2 filed proceedings under the Domestic Violence Act on 03.03.2023 and, within about ten days, lodged the impugned FIR. He submits that the allegations made by Respondent No.2 are not specific and, in his view, vague. He submits that, if any, the allegations of assault are only against Applicant No.1 (husband).

7. Mr Tanveer G. Khan, learned APP for the Respondent/State, submits that the complaint dated 13.03.2023 sufficiently discloses the ingredients of the offence under Section 498A of the Indian Penal Code, thereby

justifying the registration of the impugned FIR. He submits that the allegations in the complaint are specific, refer to the role of the Applicants, and disclose that she was subjected to cruelty and abuse. He further submits that, upon investigation, the Respondent No. 1 has found sufficient material to file the chargesheet and to proceed against the Applicants.

8. Mr. Sandeep Phatak, learned Advocate for the Respondent No. 2, referring to each allegation made against the Applicants in the complaint dated 13.03.2023, submitted that a strong case of cruelty under Section 498A of the IPC was disclosed. He submits that the complaint dated 03.02.2023, filed by the Respondent No. 2 with the Police Inspector, Women's Cell, Pune City, disclosed specific details of the Respondent No. 2 being subjected to cruelty, abuse, and demands for dowry, and that these claims were supported by documents. However, the Women's Cell ignored the complaint for unjustified reasons. He submits that the Respondent No. 2, not only in the month of February 2023, given the specific details supported by documents, including the medical certificate, but also in the complaint dated 13.03.2023, made the said grievance to the police. Mr. Sandeep Pathak specifically submits that, though the chargesheet is filed, there are no grounds raised by the Applicants challenging the chargesheet. He submits that Respondent No. 2's tolerance of the ill-treatment at the hands of the Applicants for some time,

with a fond hope that the behaviour would improve in future, cannot be treated as a ground to hold the complaint filed by Respondent No. 2 to be false, as sought to be submitted by Mr. Ashok Tajane, learned Advocate for the Applicants.

9. Heard the arguments. Perused the records with the assistance of the learned Advocates.

10. The law on the registration of an FIR has been settled by the Hon'ble Supreme Court in the case of Lalita Kumari Vs. Govt. of U.P.¹ The only relevant factor for registering an FIR is the disclosure in the complaint of the commission of a cognizable offence.

11. The complaint dated 13.03.2023 sets out how the Respondent No. 2 was abused and assaulted by the Applicant No. 1 while the Applicant No. 1 was under the influence of alcohol.

12. The allegations in the complaint dated 13.03.2023, read with the complaint dated 03.02.2023 filed by the Respondent No. 2, which forms part of the Charge sheet, reveal instances of cruelty inflicted on the Respondent No. 2 by the individual Applicants, either jointly or on the instigation of each other. The impugned FIR also contains allegations of indecent behaviour by the father-in-law and of bodily pain caused to

¹ (2014) 2 SCC 1

the Respondent No. 2 by the sister-in-law and the mother-in-law. A prima facie reading of the allegations in the impugned FIR suggests that the Applicants intended to cause grave injury and cruelty to the Respondent No. 2.

13. The medical examination papers and photographs of Respondent No. 2 showing injuries form part of the chargesheet. Mr. Sandeep Phatak submits that the medical papers and the photographs show the injuries caused to Respondent No. 2 as a result of the physical assault on her by the Applicants. Prima facie, the tale of woe of Respondent No. 2, subjected to physical as well as mental cruelty, is disclosed in the impugned FIR. I am unable to agree with the submission of Mr. Ashok Tajane, learned Advocate for the Applicants, that the allegations in the impugned FIR are vague, not specific, or omnibus.

14. Upon scrutiny of the allegations in the impugned FIR against the family members of the Applicant No.1 (husband), prima facie, this is not a case that can be categorised as one where the husband's family members are being dragged into it, or where the version of the Respondent No.2 is exaggerated.

15. At face value, the allegations in the impugned FIR against the Applicants and the evidence collected pursuant to it prima facie make out a case for the offences charged against

the Applicants. Sufficient material is available on record to proceed against the Applicants.

16. The contentions of Mr. Ashok Tajane, learned Advocate for the Applicants, that the impugned FIR is false, etc., as referred to herein above, would constitute a defence for the accused in the proceedings. Under the jurisdiction conferred by Section 482 of the Criminal Procedure Code (Section 528 of the Bhartiya Nagarik Suraksha Sanhita), this Court cannot embark upon a mini trial. The Hon'ble Supreme Court in the case of Muskan Vs. Ishaan Khan (Sataniya)² has held that a mini trial is not permissible. Paragraph 22 of the said decision is relevant and is reproduced herein for ready reference:

“22. On the aspect of the powers of the Courts under Section 482 of the Cr. P.C., it is settled that at the stage of quashing, the Court is not required to conduct a mini trial. Thus, the jurisdiction under Section 482 of the Cr. P.C. with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to proceed against the accused or not. If sufficient material is available, the power under Section 482 should not be exercised”

17. In view of the above, no case for indulgence is made out.

18. This Writ Petition is devoid of any merit and is therefore

² 2025 SCC OnLine SC 2355

dismissed. In the facts and circumstances of the case, there shall be no order as to costs.

(ASHWIN D. BHOBE, J.)