IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.17/2024

1. Bhimrao S/o Pandurang Wankhade
Aged about 50 Yrs, Occu: Teacher,
(Uncle-in-law)

2. Pushpabai W/o Bhimrao Wankhade
Aged about 45 Yrs, Ocu: Household,
(Aunt-in-law)

Both R/o- Sonala, Tq. Sangrampur,
Dist. Buldhana. ... APPLICANTS

...VERSUS...

1. State Of Maharashtra,
Through Police Station Officer,
P.S. Ural, Dist: Akola.

2. Dipmala w/o Rajesh Wankhade
Age: 30 Yrs, Occu: Housewife,
C/o- Gajanan Devidas Savale,
R/o. Kalambi Mahagaon,
Tq. Balapur, Dist. Akola.

...NON-APPLICANTS

Shri S.B. Gandhe, Advocate for applicants
Shri M.J. Khan, APP for non-applicant No.1/State
Shri H.V. Dhage, Advocate for non-applicant No.2

CORAM : PRAVIN S. PATIL, J.

DATED : 19.01.2026

ORAL JUDGMENT

. Heard. **Admit**. Heard finally with the consent of learned Counsel for both the parties.

2. The applicants herein are the uncle-in-law and aunt-in-law of non-applicant No.2. The applicants herein challenged the First Information Report dated 20.10.2023, registered vide Crime No.385/2023 with the Police Station Ural, District Akola, for the offences punishable under Sections 498-A and 34 of the Indian Penal Code.

3. It is the contention of the present applicants that they are at a distant relatives of non-applicant No.2. They were not residing with non-applicant No.2 at any time and, therefore, *prima facie,* no offence is made out against them, though the allegations stated in the application are taken on its face value.

4. Per contra, learned APP pointed out that in the First Information Report, which was lodged by non-applicant No.2, the specific allegations are made that her husband- accused No.1 was having illicit relations with applicant No.2 and when she got knowledge about this fact, accused husband used to torture and

beat her. Therefore, considering the fact that because of applicant No.2, she was ill-treated, the offence is made out and it is not a fit case for setting aside the entire prosecution against the present applicant.

5. Learned APP further stated that the investigation is completed in the matter and charge-sheet is ready. In the investigation, statement of non-applicant No.2 was recorded and she has reiterated same version.

6. During the course of arguments, applicants have made a specific statement that at present non-applicant No.2 is residing with her husband, namely Rajesh Wankhede. Therefore, to clarify this aspect, specific query was made to the Counsel appearing for non-applicant No.2. He stated that as per his instructions non-applicant No.2 is presently residing with her husband and both are now residing happily at Sonala and there is no dispute between them at present.

7. In the circumstances, considering the allegations, which are made in the complaint, I do not find that the offence

under Section 498A of the Indian Penal Code is attracted against the applicants. The requirement under Section 498A is physical or mental cruelty at the instance of accused. But, in the present case, even the allegations are held to true, no offence is made out against the applicants in the matter.

8. It is also pertinent to note that, during the pendency of complaint, it seems that matrimonial dispute between husband and non-applicant No.2 is resolved and both are residing happily. The present applicants are distant relatives and they are residing separately. Furthermore, it is not stated in the complaint the date, time and description of any ill-treatment given to her by the present applicants. As such, considering the peculiar facts of the matter, indulgence of this Court is necessary in the matter. Therefore, I proceed to pass the following order:

ORDER

i) The application is allowed.

ii) The First Information Report dated 20.10.2023 registered vide Crime No.385/2023 with Police Station Ural, District Akola, for the offences punishable under Sections 498-A and 34 of the

Indian Penal Code is hereby quashed and set aside against the present applicants.

9. The application stands disposed of in above terms. No order as to the costs.

(PRAVIN S. PATIL, J.)

R.S. Sahare

Signed by: Mrs. Ranjana Sahare
Designation: PA To Honourable Judge
Date: 20/01/2026 18:10:36