



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

CRIMINAL APPLICATION (APL) NO. 1257 OF 2025

- APPLICANTS :**
1. Gajanan Sitaram Dharmik (Husband)
Aged : 58 years, Occp. : Service,
Presently R/o C/o Vishal Tadas,
Ganraya Palace, Flat No.101, Ambika
Nagar, Malkapur Distt. Akola.
 2. Vandana Rajesh Dharmik (Nandanwar)
(Sister-in-law),
Aged : 56 years, Occp: Home-maker,
Presently R/o Maroti Nagar, Balapur
Road, Akola Tah. & Distt. Akola.
 3. Umabai Sitaram Dharmik (Mother-in-law)
Aged : 79 years, Occp: Home-maker
Presently R/o C/o Vishal Tadas,
Ganraya Palace, Flat No.101, Ambika
Nagar, Malkapur, Distt. Akola.
 4. Chanda Sitaram Dharmik (Sister-in-law)
Aged : 48 years, Occp: Home-maker
Presently R/o C/o Vishal Tadas,
Ganraya Palace, Flat No.101, Ambika
Nagar, Malkapur, Distt. Akola.
 5. Sau. Sushila Madhukar Kolhe (Sister-in-law)
Aged : 65 years, Occp: Home-maker
 6. Madhukar Shamrao Kolhe (Brother-in-law)
Aged : 75 years, Occp: Agriculturist
- Nos.5 & 6 R/o Shree Khedkar, In Front of
Punnai Restaurant, Shivaji Nagar,
Golegaon Road, At Post Shirur,
Distt. Pune.
7. Sau. Nanda Dipak Parate (Sister-in-law)
Aged : 52 years, Occp: Home-maker
Presently R/o Sant Nagar, Sainath
Colony, Khadki Tah. & Distt. Akola.

8. Sunita Rajendra Verulkar,
Aged : 55 years, Occp: Home-maker
Presently R/o C/o Vishal Tadas,
Ganraya Palace, Flat No.101, Ambika
Nagar, Malkapur, Distt. Akola.
(Sister-in-law).

VERSUS

NON-APPLICANTS:

1. State of Maharashtra
Through P. S. O.
Police Station Dabki Road,
Tq. and Dist. Akola.
2. Sau. Devki Gajanan Dharmik
(Maiden name : Ku. Devki Purushottam
Sonkusare), Aged : 49 years,
Occp: Home-maker
R/o C/o Parvati Nagar, Balapur Road,
Old City, Akola.

Shri Pranav Saliokar, Advocate h/f Shri U. J. Deshpande, Advocate for
applicants.

Shri N. B. Jawade, Additional Public Prosecutor for non-applicant No.1.
Mrs. Anvita Pande, Advocate for non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 20/02/2026.

ORAL JUDGMENT :

1. Heard. **Admit.** Heard finally with the consent of learned
counsel appearing for the parties.

2. The present application is preferred by the applicants
who are the husband and the nearest relatives of the husband for
quashing of the FIR in connection with Crime No.231/2023 and
consequent proceeding arising out of the same Charge Sheet
which is converted as RCC No.115/2024 pending on the file of 7th

Judicial Magistrate, First Class, Akola during the pendency of this application.

3. A crime is registered on the basis of report lodged by the non-applicant No.2 on an allegation that her marriage with applicant No.1 was performed on 19/05/1995. After marriage, she resumed cohabitation. Her husband was doing Government job and therefore, at various places, he was posted. She was implicated the applicant No.1 as well as other applicants as some golden ornaments are not given in her marriage. It is alleged by her that the present applicants were abusing her on that count. In the meantime, she was pregnant. She has delivered a child but none come towards her child's house to see the child. It is further alleged that considering the future of the child, she again resumed the cohabitation but there was no change in the behaviour of the present applicants and they have treated her with ill-treatment and therefore, she approached the Court and filed application under the provisions of the Protection of Women from Domestic Violence Act, 2005. The applicants have also filed application for dissolution of marriage. It is her contention that due to ill-treatment at the hands of present applicants, she constrained to leave the matrimonial house. On the basis of said report, police have registered crime.

4. Heard learned counsel for the applicants who submitted that in the divorce petition, which was allowed by the Court whereas specifically observed that cruelty was at the hands of non-applicant No.2 and therefore, the marriage was dissolved by passing judgment and order by the Family Court, Akola. Therefore, he submitted that considering the same the allegation itself appears to be false and baseless against the present applicants. He submitted that considering the Civil Court has already come to the conclusion that there was ill-treatment at the hands of present non-applicant No.2, no question arises as to the ill-treatment by the present applicants and therefore, application deserves to be allowed.

5. Per contra, learned APP and learned counsel for the complainant strongly opposed the said contention and invited my attention towards the proceeding which was filed under the provisions of the Protection of Women from Domestic Violence Act, 2005 wherein also it is held that there was domestic violence to the non-applicant No.2 at the hands of the present applicants and therefore, she submitted that the application deserves to be rejected.

6. After hearing both the sides and on perusal of the entire investigation papers and the submissions made by the learned

counsel for the respective parties, both husband as well as wife have come with a case that there was ill-treatment to them at the hands of each other. As far as husband is concerned wherein in the FIR, the non-applicant No.2 has specifically alleged against her that he used to abuse her when she was pregnant. No proper care was taken and by taking into consideration the future of the child, she again resumed the Court for cohabitation but she was not treated well and therefore, she constrained to leave matrimonial house. This aspect is further substantiated by the fact that in the domestic violence proceeding, the non-applicant No.2 has adduced his evidence and Court has come to the conclusion that there was domestic violence at the hands of the husband. Thus, considering the same and the allegations levelled against the applicant No.1, at this stage, there is sufficient material to show that there was ill-treatment at the hands of present applicant No.1.

7. As far as other applicants are concerned, admittedly, against them, the general, omnibus and vague allegations are levelled by the non-applicant No.2. No specific instances are narrated alleging any ill-treatment at their hands. Now, this aspect is settled by the Hon'ble Apex Court in the catena of decisions wherein, the Hon'ble Apex Court has categorically held that the mere reference of the names of the relatives without assigning any

specific role or specific instances would not be sufficient to attract the offence punishable under Section 498-A of the IPC. In view of that, application deserves to be partly allowed. Accordingly, I proceed to pass following order :-

ORDER

- i] The application is partly allowed.
- ii] The FIR in connection with Crime No.231/2023 registered under Sections 323, 498-A, 504, 506 r/w Section 34 of the IPC and consequent proceeding arising out of the same bearing RCC No.115/2024 is hereby quashed and set aside to the extent of applicant Nos.2 to 8.
- iii] The prayer of the applicant No.1 for quashing of the FIR is hereby rejected.

- 8. The application is disposed of.
- 9. The fees of the appointed counsel for respondent No.2 be quantified as per the Rules.

[JUDGE]