



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

CRIMINAL APPLICATION (APL) NO. 439 OF 2025

1. **Manoj s/o Dadarao Hande,**
Aged About 49 years,
Occupation - Private,
R/o Sindi Railway, Taluka Seloo,
District Wardha - 442105.
2. **Praveen s/o Dadarao Hande,**
Aged About 44 years,
Occupation - Private,
R/o Sindi Railway, Taluka Seloo,
District Wardha - 442105.
3. **Archana d/o Dadarao Hande/**
Archana w/o Shashikant Akere
Aged about 55 years,
Occupation - Housewife,
R/o Sindi Railway, Taluka Seloo,
District Wardha - 442105.
4. **Rupali w/o Lileshwar Hande,**
Aged About 34 years,
Occupation – Teacher,
R/o At Post Nilanga, Tahsil Nilanga,
District Latur – 413521.

APPLICANTS

// V E R S U S //

1. **The State of Maharashtra,**
Through Police Station Officer,
Police Kharangana,
District Wardha.
2. **Ranjana w/o Manoj Hande,**
Aged 38 years,
Occupation Not Known,
R/o At Post Kharangana,
Taluka Aarvi,
District Wardha - 442106

NON-APPLICANTS

Mr. Charuhas Bhushan Dharmadhikari, Advocate for the Applicants.

Mr. A.M. Kadukar, APP for non-applicant /State.

Ms. Radha M. Mishra, Advocate for Non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 29.01.2026

ORAL JUDGMENT :

1. Heard. Admit.
2. Heard finally with the consent of the respective parties.
3. Present application is preferred by the applicants for quashing of the first information report in connection with Crime No.773 of 2023 registered under Section 498-A, 504 of the Indian Penal Code and the consequent proceedings arising out of the same bearing RCC No.9 of 2024 pending before the Judicial Magistrate First Class, Arvi.
4. The present applicants i.e., applicant No.1 is the husband and applicant Nos.2 to 4 are the in-laws of the non-applicant No.2. She lodged the complaint alleging that her marriage was performed with the applicant No.1 in the year 2016. After marriage, she resumed the cohabitation at the house the present applicant and she is having one son from the said wedlock. As per

her allegations, in the year 2017, when she was pregnant, at that time the applicant No.1 has suspected her character and abused her and assaulted her. She further alleged that when she expressed her desire to learn the computer, at that time also the applicant No.1 has asked her to bring the amount from her parents to continue her computer classes and on that count, he assaulted and abused her. Her husband also attempted to commit suicide on two occasions. She further alleged that other applicants were also instigating her husband and on their instigation, he was assaulting and abusing her. On the basis of the said report, police have registered the crime against the present applicants.

5. Learned counsel for the applicants submitted that on the basis of general, omnibus and vague allegations, all the applicants have been implicated in the alleged offence as dispute arose between the husband and wife. He submitted that the recitals of the FIR that the applicant No.1 has attempted to commit suicide twice, itself is sufficient to show that the non-applicant No.2 was not cohabiting properly and therefore, he has attempted to commit suicide. He submitted that as far as other applicants are concerned, against whom no specific allegation, no willful conduct, no specific instances are narrated by the non-applicant

No.2. Merely because they are the relatives of husband, they are implicated in the alleged offence. He submitted that applicant Nos.3 and 4 are already married. Applicant No.4 is the wife of the younger brother of the husband i.e., applicant No.2 whereas the applicant No.3 is the sister-in-law who is aged about 55 years and long back married and staying at her matrimonial house. There is no occasion for her to visit the house of the non-applicant No.2 and abuse her. Thus, on the basis of the general, omnibus and vague statements, they are implicated in the alleged offence. In view of that, the application deserves to be allowed.

6. Per contra, learned APP and learned counsel for non-applicant No.2 submitted that as far as the applicant No.1 is concerned, she has specifically stated that husband was suspecting her character as well as abusing her and assaulting her even not provided money to take education, though she expressed her desires. That amounts to mental as well as physical cruelty and the other applicants were instigating him, which is sufficient to attract the offence punishable under Section 498-A of IPC. In view of that, the application deserves to be rejected.

7. On hearing both the sides and on perusal of the entire charge-sheet as well as the recitals of the FIR admittedly, no

specific instances are narrated as far as the applicant Nos.2 to 4 are concerned, it appears that they are implicated merely because they are the relatives of the husband. No specific instances and willful conduct is attributed on their part. As far as the applicant No.1 is concerned, there is specific allegation that he was not only physically assaulting her but also mentally harassing her, which is sufficient to attract the offence punishable under Section 498-A of IPC. It is well settled law that mere reference of the names of relatives is not sufficient in absence of the specific role attributed to them. In view of that, Application deserves to be allowed partly.

8. Accordingly, I proceed to pass the following order:

ORDER

- (i) Application is allowed partly.
- (ii) The prayer of the applicant No.1-Manoj Dadarao Hande, for quashing of the FIR is hereby rejected.
- (iii) The FIR in question in connection with Crime No.773 of 2023 registered under Section 498-A, 504 of the Indian Penal Code and the consequent proceedings arising out of the same bearing RCC No.9 of 2024 pending before the Judicial Magistrate First Class, Arvi is hereby quashed against the applicant No.2- Praveen Dadarao Hande,

applicant No.3- Archana Dadarao Hande applicant No.4-
Rupali Lileshwar Hande.

9. The Application stands disposed of.
10. Pending applications, if any, also stand disposed of.

(URMILA JOSHI PHALKE, J.)

MJ Jadhav