



(1)

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

CRIMINAL APPLICATION (APL) NO.1274 OF 2025

1. Sachin alias Lakhan Eknath Waghmare
Aged 34 Years,
Occupation : Private.
2. Pradip alias Sonu Eknath Waghmare,
Aged 38 Years,
Occupation : Private,
3. Akash Eknath Waghmare,
Aged 28 Years,
Occupation : Private,
4. Chindhabai Eknath Waghmare,
Aged 65 Years,
Occupation : Household,

All R/o. Plot No.3, Chaitaneshwar
Nagar, Wathoda Lay-out, Kharbi
Road, District Nagpur.

.... APPLICANTS

// VERSUS //

1. The State of Maharashtra,
Through Police Station Officer,
Police Station, Wathoda,
District Nagpur.
2. Sau. Komal Gurudev Waghmare,
Age about 23 Years,
Occupation : Nil.,
R/o House No.570, Near
Ganoba Wadi, Balabhaupeth,
Santajimath, Kamal Chauk,
Police Station Pachpaoli,
District Nagpur.

....NON-APPLICANTS

(2)

Mr. M. R. Pande, Advocate for applicants.
Mr. N. H. Joshi, APP for non-applicant No.1/State.
Mr. C. F. Baghwani, Advocate for non-applicant No.2/complainant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/02/2026

ORAL JUDGMENT :

1. Heard.

2. **Admit.**

3. Heard finally with the consent of the learned Counsel for the applicants, learned APP for the State and the learned counsel for the complainant. The Vakalatnama filed by the counsel for the complainant is taken on record along with the reply.

4. By this application, the applicants, who are mother-in-law and the other nearest relatives of the husband approached this Court for quashing of the FIR in connection with Crime No.112/2024 registered with Police Station Wathoda, District Nagpur for the offence punishable under Sections 498A, 323, 377, 354, 506(b) read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same RCC No.3558/2024.

(3)

5. The crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that her marriage was performed with the co-accused Gurudev Eknath Waghmare on 16.03.2024. After marriage, she resumed cohabitation, but her mother-in-law applicant No.4 was torturing her for the trifle reasons as well as her husband was raising suspicious about her character, and therefore, she constrained to leave the matrimonial house and she is residing at her parent's house since one month prior to lodging of the FIR.

6. Heard learned counsel for the applicants, who submitted that as far as the applicant Nos.1 to 3 are concerned, there is no allegation narrating the specific instances as to the ill-treatment at their hands. He submitted that initially the NC report was filed which was against the husband and the applicant No.4. The names of the other applicants are not mentioned. He submitted that even the allegation against the mother-in-law is also general in nature, merely because she is the mother of the husband and the dispute arose between the husband and wife. In view of that, the application deserves to be allowed.

7. Per contra, learned APP for the State and learned counsel for the complainant submitted that there is a specific allegation as far as the applicant No.4 is concerned. They submitted that not only the allegation but the specific instances

(4)

are narrated as far as the harassment by the applicant No.4 and previously also one NC report was lodged wherein also specific allegations are levelled against the applicant No.4. Therefore, considering the specific instances against the applicant No.4, the application deserves to be rejected.

8. On hearing both sides and on perusal of the entire investigation papers, it reveals that the entire allegations are levelled against the husband and the applicant No.4 along with the specific instances narrating the nature of the ill-treatment at their hands. As far as the applicant No.1 to 3 are concerned, who are the nearest relatives, merely their names are mentioned without assigning any specific role or specific instance, therefore, no *prima facie* case is made out against the applicant Nos.1 to 3. Now, it is well settled that mere reference of the name of the relatives would not be sufficient to constitute the offence against the relatives of the husband. In view of that, the application deserves to be allowed partly. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is **allowed Partly**.
- (ii) The FIR in connection with Crime No.112/2024 registered with Police Station Wathoda, District Nagpur for the offence punishable under Sections 498A, 323, 377, 354, 506(b) read with Section 34 of the Indian

(5)

Penal Code and the consequent proceeding arising out of the same RCC No.3558/2024, are hereby quashed and set aside to the extent of the present applicant Nos.1 to 3.

(iii) The prayer of the applicant No.4 - **Chindhabai Eknath Waghmare** for quashing of the FIR is hereby rejected.

The application is disposed of.

(URMILA JOSHI-PHALKE, J)

Sarkate.