



Judgment

21 apl1529.25

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

CRIMINAL APPLICATION APL NO.1529/2025

1. Dinkar s/o Shivram Badatkar,
aged about 76 years, occupation-
retired as Talathi.

2. Shakuntala w/o Dinkar Badatkar,
aged about 65 years, occupation-
homemaker.

3. Rupali w/o Mrugendra Narvade,
aged 38 years, occupation- private
teacher.

Applicant Nos.1 to 3 are
r/o Akola Phata, Gadge Baba Nagar,
Malegaon, taluka Malegaon, district Washim.

4. Rajendra s/o Kachru Rhinde,
aged 46 years, occupation- private job.

5. Deepali w/o Rajendra Rhinde,
aged 46 years, occupation- private job.

Both r/o B-202, Gokul Angan Bldg.-5,
near Surya Garden, Diwan Man
Thane, Bessein Road, Mah.410202. **Applicants.**

:: VERSUS ::

1. State of Maharashtra,
through the Police Station Officer,

.....2/-

Police Station Mehekar, district
Buldhana.

2. Aaradhya w/o Suraj Badatkar,
aged 28 years, r/o Vitthal Bhikaji
Saubhage, DP Road, ward No.18,
Ram Nagar, Mehkar, district
Buldhana.

..... **Non-applicants.**

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Shri S.V.Sirpurkar, Counsel for the Applicants.
Shri K.R.Lule, APP for NA No.1/State.
None for NA No.2.

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CORAM : **URMILA JOSHI-PHALKE, J.**
DATE : **25/03/2026**

ORAL JUDGMENT

1. Heard learned counsel appearing for the applicant and
learned APP for the State. Despite service, none appears for
non-applicant No.2. **Admit.** Heard finally by consent.

2. By this application, applicants are seeking quashing of
FIR in connection with Crime No.502/2024 registered with
non-applicant No.1 police station for offences under Sections
498-A, 323, 504, and 506 read with 34 of the IPC and
consequent proceeding arising out of the same bearing

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chargesheet No.9/2025 filed before learned Joint Civil Judge Junior Division and JMFC, Mehkar Akola in RCC No.18/2025.

3. The crime is registered on the basis of a report lodged by non-applicant No.2 (the complainant).

4. Learned counsel for applicants submitted that the crime is registered on the basis of general, vague, and omnibus allegations and the entire family members are implicated in the alleged offence.

He invited my attention towards recital of the FIR and submitted that even accepting allegations as it is, no offence is made out against applicants as there is no willful conduct on the part of present applicants. Therefore, the application deserves to be allowed.

He has also placed on record order passed by this court in Criminal Application APL No.1191/2024 wherein applicant No.3 is complainant and submitted that only to give

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a counter blast, this FIR came to be lodged against present applicants.

He submitted that considering the entire allegations levelled against applicants, which are general, vague, and omnibus in nature, the application deserves to be allowed.

5. *Per contra*, learned APP for the State has strongly opposed the said contentions and submitted that allegations levelled against applicant are not at all vague and general. He has narrated the date and act of each of every applicant to attract offence under Section 498-A of the IPC. At this stage, sufficient material is there to frame charge against applicants. In view of that, the application deserves to be rejected.

6. On hearing both sides and perusing the entire investigation papers, it reveals that the marriage of the complainant along with Suraj Wadatkar, who is son of applicant No.1, was performed on 27.4.2016. After the marriage, she resumed cohabitation. It is alleged by her that

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as soon as she resumed cohabitation, she was ill-treated for demand of Rs.4.00 lacs by applicants. She further alleged that after the marriage for 2-3 months, she was treated well. Subsequently, she was subjected for ill-treatment. Her father-in-law was addicted to bad vices and he, under influence of liquor, has also abused her. She has also narrated the same incident regarding ill-treatment at the hands of her mother-in-law.

Thereafter, on 27.10.2021 she has delivered as child. On that day, she was also abused by applicants.

Thus, she has narrated willful conduct on the part of present applicants.

7. For the purpose of Section 498-A of the IPC, “cruelty” means any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or harassment of the woman where

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such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

8. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the IPC was to prevent torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punish a husband and his relatives who harasses or tortures wife to coerce her or her relatives to satisfy unlawful demands of dowry. The willful act or conduct ought to be proximate in order to bring home the charge under Section 498A of the IPC.

9. In view of the above legal requirement, if the act of applicants narrated by the complainant is taken into consideration, admittedly, she has attributed role to each of applicants regarding ill-treatment at their hands.

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10. The law relating to quashing of FIRs was explained by the Hon'ble Apex Court in the case of **State of Haryana and ors vs. Bhajan Lal and ors, reported in 1992 Supplementary (1) SCC 335** wherein parameters have been laid down which are required to be considered while considering applications for quashing of the FIRs, which read as under:

“(a) where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused;

(b) where the allegations in the First Information Report and other materials, if any, accompanying the F.I.R. do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code;

(c) where the uncontroverted allegations made in the FIR or 'complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

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(d) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(e) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(f) where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party;

(g) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

11. In view of the above parameters laid down by the Hon'ble Apex Court in the case *supra*, a *prima facie* case is made out against present applicants.

12. In this view of the matter, the application deserves to be rejected and the same is **rejected**.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!