



Judgment

10 apl1536.25

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

CRIMINAL APPLICATION APL NO.1536 of 2025

1. Vijay s/o Atmaram Changade,
aged about 40 years, occupation- labour.

2. Gajanan s/o Atmaram Changade,
aged about 42 years, occupation- labour.

3. Sumanbai w/o Atmaram Changade,
aged about 62 years, occupation- labour.

4. Seema w/o Lakshman Changade,
aged about 38 years, occupation- labour.

Applicant 1 to 4 r/o Malipeth tahsil,
Mehkar and district Buldhana.

5. Sangeeta Gajanan Ingole,
aged about 44 years, occupation- labour,
r/o Mahatma Phule Chowk
and district Washim. **Applicants.**

:: VERSUS ::

1. State of Maharashtra,
through its Police Station Officer,
Police Station, Shirpur,
Tahsil Malegaon, district Washim.

2. Jyoti w/o Vijay Changade,
aged about 38 years, occupation-housewife,
R R/o Malipeth tahsil

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Mehkar and district Buldhana. **Non-applicants.**

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Shri R.S.Kurekar, Counsel for the Applicants

Shri Nikhil Joshi, APP for Non-applicant No.1/State.

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CORAM : **URMILA JOSHI-PHALKE, J.**

DATE : **05/02/2026**

ORAL JUDGMENT

1. Heard learned counsel for applicants and learned APP for the State. **Admit.** Heard finally by consent.

2. By this application, applicants are seeking quashing of the FIR in connection with Crime No.142/2019 registered for offences under Sections 323, 498-A, 504, and 506 of the IPC and consequent proceeding arising out of the same bearing chargesheet No.67/2019.

3. The applicant No.1 is husband and other applicants are the nearest relatives of the husband of non-applicant No.2.

4. Learned counsel for applicants submitted that applicant No.1, who is husband, and other applicants, who

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are the nearest relatives of the husband of non-applicant No.2, were arrayed as accused on the basis of general, vague, and omnibus allegations. As per allegations, marriage of non-applicant No.2 with applicant No.1 was performed on 8.5.2007. Thereafter, from the said wedlock, she is having two daughters. As per her allegations, she was ill-treated by applicants as she has not begotten a male child. It is further alleged by her that she was mentally and physically assaulted. As far as recitals of the FIR are concerned, the same are general, vague, and omnibus allegations. No specific instances are narrated by non-applicant No.2. Thus, considering the entire recital of the FIR, no offence is made out against applicants. In view of that, the application deserves to be allowed.

5. *Per contra*, learned APP for the State has strongly opposed the said contentions and invited my attention towards recital of the FIR and submitted that as far as allegations are concerned, specific allegations are levelled

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against applicant Nos.1 and 2 as to physical assault to non-applicant No.2. In view of that, a *prima facie* case is made out against applicants and, therefore, the application deserves to be rejected.

6. On hearing both sides and perusing the entire investigation papers as well as recital of the FIR, it shows that there is no dispute that the marriage was performed on 8.5.2007 and from the said wedlock, non-applicant No.2 is having two daughters.

7. As far as applicant Nos.3 to 5 concerned, against them general, vague, and omnibus allegations are levelled without narrating any specific instances as to the harassment or nature of harassment.

8. As far as applicant Nos.1 and 2 are concerned, against them specific allegations are there that they have physically assaulted non-applicant No.2.

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9. Thus, considering the nature of allegations, admittedly, a *prima facie* case is made out against applicant Nos.1 and 2.

10. Considering that mere reference of names of relatives of husband without assigning any specific role is not sufficient to attract offence under Section 498-A of the IPC, the application deserves to be allowed partly. Accordingly, I proceed to pass following order:

ORDER

(1) The criminal application is **partly allowed**.

(2) The FIR in connection with Crime No.142/2019 registered for offences under Sections 323, 498-A, 504, and 506 of the IPC and consequent proceeding arising out of the same bearing chargesheet No.67/2019 are hereby quashed and set aside to the extent of applicant Nos.3 to 5 i.e. Sumanbai w/o Atmaram Changade, Seema w/o Lakshman Changade, and Sangeeta Gajanan Ingole.

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(2) The criminal application is **rejected** as to applicant No.1 Vijay s/o Atmaram Changade and applicant No.2 Gajanan s/o Atmaram Changade.

Application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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