



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

CRIMINAL APPLICATION (APL) NO. 1556 OF 2025

1. **Smt. Vimalbai wd/o Wamdeorao Patil (Raurale)**

APPLICANT

Aged about 74 years,
Occupation :Housewife
R/o.Khalkoni, Tah. Bhatkuli,
Dist. Amravati

3. **Sau. Godawari w/o Ravindra Patil, (Raurale)**

Aged about 42 years,
Occupation :Housewife
R/o.Khalkoni, Tah. Bhatkuli,
Dist. Amravati

3. **Kundalata w/o Kailashrao Deshmukh**

Aged about 39 years,
Occupation :Housewife
R/o. Bordi, Tah. Akot, Distt.
Akola

4. **Sunil s/o Wamdeorao Patil (Raurale)**

Aged about 43 years,
Occupation :Service
R/o.Khalkoni, Tah. Bhatkuli,
Dist. Amravati

// V E R S U S //

1. **The State of Maharashtra,**
Through Police Station Officer,
Police Station Dahihanda, Dist.
Akola

NON-APPLICANTS

2. **Sou. Varsha w/o Sunil Patil (Raurale)**

Aged about 37 years, Occ.
Housewife, R/o Chohatta Bazar,
Tah. Akot Dist. Akola

Mr. H.V. Dhage, Advocate for the applicants.
Mr. N.B. Jawade, APP for non-applicant No.1/State.
Ms Prutha M. Masodkar, Advocate (appointed) for non-applicant
No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 23.02.2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.
3. The present application is preferred by applicants for quashing of the First Information Report in connection with crime No.95/2024 registered at Police Station Dahihanda District Akola for the offences punishable under Sections 498-A, 323, 504 read with 34 of the Indian Penal Code (for short, 'IPC') and consequent proceeding arising out of the same bearing RCC No.236/2024 pending on the file of learned Judicial Magistrate First Class, Akot.
4. The crime is registered on the basis of report lodged by non-applicant No.2 on an allegation that her marriage was

performed with applicant No.4- Sunil Wamdeorao Patil in the year 2014. After marriage she resumed cohabitation but since marriage she was subjected for ill treatment by applicant No.4. He has also created fake account in her name and was using the said face book account and suspecting the character of present non-applicant No.2. It is further alleged that other applicants were instigating him and on their instigation he was ill treating her. She further alleged that at the time of marriage applicant No.4 was working and he was ill treating her for performing the second marriage also and constrained her to undergo termination of pregnancy. On the basis of the said report police have registered crime against the present applicants.

5. Heard learned counsel for the applicants who submitted that merely because dispute arose between husband and wife the FIR came to be lodged. There is general allegations levelled against the present applicant No.4. As far as other applicants are concerned merely because they are the family members they are implicated in the alleged incident. For all above these grounds the application deserves to be allowed.

6. Per contra, learned APP and learned counsel for the non-applicant No.2 strongly opposed the said contention and submitted that as far as the husband is concerned against whom the serious allegations are levelled that he has created a face book account in the name of the present non-applicant No.2 and was using the said face book account for chatting purpose and suspecting her character. Due to the act of applicant No.4 she has undergone the termination of pregnancy also. Thus, as far as applicant No.4 is concerned against whom sufficient material is there. Therefore, application for applicant No.4 deserves to be rejected. They further submitted that as far as other applicants are concerned there was instigation at their hands to the applicant No.4. Therefore, application for other applicants also deserves to be rejected.

7. After considering the rival submissions of both the parties and on perusal of the investigation papers, as far as husband is concerned admittedly there is specific allegations levelled and nature of the allegations also grievous in nature. The husband's act is specifically narrated. His wilful conduct is also narrated by the non-applicant No.2. Thus, prima-facie material is

available as far as applicant No.4 is concerned. Coming to the aspect of the role of the other applicants admittedly they are the nearest relatives of the husband of non-applicant No.2 against whom without specifying their act and without specifying any specific instances as far as the ill treatment at their hands are concerned, they are implicated in the alleged offence. Now law is well settled that mere reference of the name of the relatives of the husband is not sufficient unless there are specific instances narrated by the complainant. In view of that the application deserves to be allowed.

8. Hence, I proceed to pass the following order:-

ORDER

- (i) The Criminal Application is allowed partly.
- (ii) The First Information Report in connection with crime No.95/2024 registered at Police Station Dahihanda District Akola for the offences punishable under Sections 498-A, 323, 504 read with 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing RCC No.236/2024 pending on the file of learned Judicial Magistrate First Class, Akot is quashed and set aside to the extent of applicant Nos.1 to 3 namely Smt. Vimalbai wd/o

Wamdeorao Patil (Raurale), Sau. Godawari w/o Ravindra Patil (Raurale) and Sau. Kundalata w/o Kailashrao Deshmukh.

(iii) The prayer of applicant No.4 for quashing of the FIR is hereby rejected.

9. The criminal application stands disposed of in the above said terms.

Pending applications, if any, also stand disposed of.

(URMILA JOSHI PHALKE, J.)

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