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

CRIMINAL APPLICATION (APL) NO.1805 OF 2025

1. Shivcharan s/o Sadashiv Nimkale,
Aged about 34 Years,
Occupation : Labour,
R/o. Asola, Post Chanrangaon,
Taluka Patur, District Akola.
2. Sadashiv Nimkale,
Aged about 65 Years,
Occupation : Farmer,
R/o Asola, Post Charangaon,
Taluka Patur, District Akola.
3. Veenubai Sadashiv Nimkale,
Aged about 38 years,
Occupation : Housewife,
R/o. Asola, Post Charangaon,
Taluka Patur, District Akola.
4. Rekha Prashant Satarkar,
Aged about 38 Years,
Occupation : Housewife,
R/o. Asola, Post Charangaon,
Taluka Patur, District Akola.
5. Divya Pranav Taide,
Aged about 25 Years,
Occupation : Housewife,
R/o. Tulanga,
Taluka Patur, District Akola.
6. Gaurav Devlal Nimkale,
Aged about 27 Years,
Occupation : Student,
R/o. Asola, Post Charangaon,
Taluka Patur, District Akola.
7. Chayya Vitthal Khade,
Aged about 36 Years,
Occupation : Housewife,
R/o Malkapur, District Akola.

.... APPLICANTS

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// VERSUS //

1. State of Maharashtra,
Through Police Station Officer,
Police Station Old City, Akola,
District Akola.
2. Gokula Alias Sakshi s/o Shivcharan Nimkale,
C/o Sarla Madhav Waghmare,
Kalambeshwar, District Akola.

....NON-APPLICANTS

Mr. A. V. Karnavat, Advocate for applicants.

Mr. N. B. Jawade, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.**DATED : 02/02/2026****ORAL JUDGMENT :**

1. Heard.

2. **Admit.**

3. Heard finally with the consent of the learned Counsel for the applicant and learned APP for the State. None appears for the non-applicant No.2.

4. The applicant No.1 is the husband and the applicant Nos.2 to 7 are the nearest relatives of the husband approached this Court for quashing of the FIR in connection with Crime No.322/2023 registered with Police Station Old City Akola, District Akola for the offence punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code (for short 'IPC') and the consequent proceeding arising out of the

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same bearing RCC No.696/2025 pending before the learned 3rd Joint Judicial Magistrate First Class, Akola.

5. The crime is registered on the basis of a report lodged by the informant Gokula @ Sakshi Shivcharan on an allegation that her marriage with the applicant No.1 was performed on 19.12.2020. After marriage, she resumed cohabitation at the house of the present applicants. In her marriage, huge expenses were incurred by her parents, however, after she resumed the cohabitation, the present applicants started ill-treating her physically as well as mentally. It is alleged that the applicant No.1 has demanded money from her as well as she was ill-treated as she begotten female child and therefore, she constrained to leave the matrimonial house. On the basis of the said report, police have registered the crime against the present applicants.

6. Heard learned counsel for the applicants, who submitted that on the basis of general and vague allegations, the applicants are implicated in the alleged offence. He submitted that various NC reports are lodged against the non-applicant No.2 by the applicant No.1 and to give a counterblast to the said NC reports, this false report came to be lodged against the present applicants. He submitted that as far as the applicant Nos.2 to 7 are concerned, against whom general and vague

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allegations are levelled. No specific instances are narrated, which are not sufficient to attract the offence punishable under Section 498A of IPC and therefore, the application deserves to be allowed.

7. Per contra, learned APP strongly opposed the said contention on the ground that considering the allegation levelled against the present applicants, *prima facie* case is made out and therefore, the application deserves to be rejected.

8. Despite the notice, none appears for the non-applicant No.2.

9. On hearing both sides and on perusal of the entire investigation papers and recitals of the FIR. As far as the applicant No.1 is concerned against whom the specific allegations are levelled by narrating the specific instances. But, as far as the other applicants are concerned, on the basis of general, vague and omnibus allegations, they are implicated in the alleged offence. No specific instances are narrated as far as the instigation on their part is concerned. Now it is well settled that mere reference of the relatives without assigning any specific role or specific instances is not sufficient to attract the offence punishable under Section 498-A of IPC.

10. In view of the recitals of the FIR, which reveals that general and omnibus allegations are levelled against the present

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applicant Nos.2 to 7, no *prima facie* case is made out against them. But as far as the applicant No.1 is concerned, against whom specific allegations are levelled and therefore, his application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is **partly allowed**.
- (ii) The FIR in connection with Crime No.322/2023 registered with Police Station Old City Akola, District Akola for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing RCC No.696/2025 pending before the learned 3rd Joint Judicial Magistrate First Class, Akola, are hereby quashed and set aside to the extent of the present applicant Nos.2 to 7.
- (iii) The prayer of the applicant No.1 - Shivcharan s/o Sadashiv Nimkale for quashing of the FIR is hereby rejected.

The application is disposed of.

(URMILA JOSHI-PHALKE, J)