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

CRIMINAL APPLICATION (APL) NO.64 OF 2026

1. Sanket s/o Kartarsing Pawar,
Age 36 Years,
Occupation : Service,
2. Kartarsing s/o Ballu Pawar,
Age 64 Years,
Occupation : Retired,
Both R/ at A/802, Silicon Bay CHSL,
Vadgaon Sheri, Pune 411014.

.... APPLICANTS

// VERSUS //

1. The State of Maharashtra,
Through Police Station Officer,
Police Station, Frezarpura,
Amravati 444 602.
2. Sau. Meghana w/o. Sanket Pawar,
Age 31 Years,
Occupation : Service,
R/o. 19/B, Nandanvan Colony,
Behind Balaji Mangal Karyalaya,
MIDC Road, Amravati 444 606.

....NON-APPLICANTS

Mr. D. U. Thakare, Advocate for applicants.
Mr. K. R. Lule, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/03/2026

ORAL JUDGMENT :

1. Heard.
2. **Admit.**
3. Heard finally with the consent of the learned Counsel
for the applicants and learned APP for the State.

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4. Despite the service of notice, none appears for the non-applicant No.2.

5. Present applicant No.1 is the husband and the applicant No.2 is the father-in-law of the non-applicant No.2. She lodged the FIR on 15.07.2023 regarding the incident dated 09.03.2023 wherein she alleged that her marriage was performed with the applicant No.1 on 13.12.2021. After marriage, she was residing along with her in-laws and the husband, but she was not treated well and therefore, she constrained to leave the matrimonial house. She has lodged a report about the same at Rajapeth Police Station. On 09.03.2023 at about 2.30 p.m. when she was present in front of the Police Commissioner's Office and tried to communicate with her husband at that time, her husband has assaulted her and she has sustained the injuries. She has also alleged that the applicant No.2 has instigated to her husband to assault her. On the basis of the said report, police have registered the crime against the present applicants and the investigation was started rotating. During investigation, the Investigating Officer has collected the medical certificate as well as recorded the relevant statements of the witnesses and after completion of the investigation, submitted charge sheet against the present applicants.

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6. Heard learned counsel for the applicants, who submitted that there is inordinate delay in lodging the FIR though the alleged incident has taken place on 09.03.2023, but she has lodged the FIR on 15.07.2023, there is no explanation for the delay. He submitted that with false and baseless allegations, the applicants are implicated in the alleged offence. He submitted that the earlier FIR is already quashed against some of the accused. In view of that, the application deserves to be allowed.

7. Per contra, learned APP strongly opposed the said contention and submitted that the allegations levelled against the present applicants are serious in nature. She was assaulted on the public place as well as it is substantiated by the medical certificate which at this stage is sufficient to infer that there was an ill-treatment at the hands of the present applicants and she was assaulted on the public road. In view of that, the application deserves to be rejected.

8. On hearing both sides and on perusal of the entire investigation papers. As far as the allegation levelled by the non-applicant No.2 is concerned which is substantiated by the medical certificate which shows that there was old injury i.e. blunt trauma on the right ear. Thus, the allegation that she was assaulted by her husband on her ear is substantiated by the

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medical certificate also. There are statements of the witnesses which also substantiate the said contentions. Thus, there is a *prima facie* material to connect the present applicants with the alleged offence.

9. In the light of the parameters laid down by the Hon'ble Apex Court in the case of **State of Haryana and others Vs Bhajan Lal and others** reported in **1992 Supp. (1) SCC 335**, and if applies the same, which are reproduced herein as under:

"(1) 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.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR 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.

(3) 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.

(4) 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.

(5) 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

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conclusion that there is sufficient ground for proceeding against the accused.

(6) 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.

(7) 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.”

After applying the same to the facts of the present case, admittedly, the *prima facie* case is made out, and therefore, the application is devoid of merit and liable to be dismissed. Hence, the application is **dismissed**.

(URMILA JOSHI-PHALKE, J)