



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

CRIMINAL APPLICATION (APL) NO. 509 OF 2026

- 1) **Babanrao Jambuwant Dhanve,**
Aged about 38 years, Occ.- Agriculture,
R/o. Harshi, Tq. Pusad,
District – Yavatmal.
- 2) **Kiran Jambhuwant Dhanve,**
Aged about 25 years, Occ. - Student,
Permanent Residence Harshi,
Tq. Pusad, District Yavatmal,
Temporary – Police Colony, Pusad,
Tq. Pusad, District – Yavatmal.
- 3) **Smt. Sunanda Jambhuwant Dhanve,**
Aged about 65 years, Occ.- Household
Permanent Residence Harshi,
Tq. Pusad, District Yavatmal,
Temporary – Police Colony, Pusad,
Tq. Pusad, District – Yavatmal.

.... **APPLICANTS**

// **VERSUS** //

- 1) **State of Maharashtra,**
Through Police Station Pusad City,
Tq. Pusad, District – Yavatmal.
- 2) **Sheetal Sahebrao Dhanve,**
Aged about 25 years,
R/o. Radhika layout, Bhosa road,
Yavatmal, Tq. & District Yavatmal.

.... **NON-APPLICANTS**

Mr. Hari Shivaji Hurduke, Advocate for the applicants.
Mr. N.H. Joshi, Assistant Public Prosecutor for the non-applicant
No.1/State.
Mr. Fasihur Rahman Kashif, Advocate for the non-applicant No.2.

CORAM : M.W. CHANDWANI, J.

DATED : JUNE 09, 2026

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned Counsel appearing for the parties.

2. By this application, the applicants are seeking quashing and setting aside of the Chargesheet No.310/2025, dated 15.04.2025 arising out of First Information Report (FIR) vide Crime No.24/2025, dated 23.01.2025 registered with Police Station, Pusad City, District Yavatmal for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (IPC), consequent to Regular Criminal Case No.292/2025, pending on the file of Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Pusad.

3. Brief facts of the case are as under :

The complainant was married to one Sahebrao Jambhuwant Dhanve. Applicant No.1 is brother-in-law, applicant No.2 is the sister-in-law and applicant No.3 is the mother-in-law of the complainant. On perusal of the FIR, it is revealed that the complainant was married to Sahebrao who was working as a Police Constable. After marriage, the complainant resided at her maternal home. She used to visit her matrimonial home intermittently. It is alleged that Sahebrao demanded an amount of Rs.4,00,000/- from

the complainant as dowry which the complainant had paid to him. Thereafter, Sahebrao also demanded an additional amount of dowry, but she was unable to pay it. It is further alleged that Sahebrao and the applicants used to doubt her character by stating that she is having illicit relationship with one Atul Nagmote. It is further alleged that Sahebrao was insisting that the complainant file a complaint against Atul for rape. He also threatened to circulate the videos and photos of the complainant with Atul on social media in order to defame her in society. Thereafter, Sahebrao called applicant No.1 and a meeting was called on 16.06.2024 at the house of Sahebrao. During that meeting, the applicants supported the allegations made by Sahebrao regarding the character of the complainant. The allegations against applicant Nos.2 and 3 are that they were abusing her, demanding dowry and when she denied the same, all the applicants assaulted her by means of fists and kick blows and threatened her for her life. Therefore, the complainant lodged a complaint against Sahebrao and the applicants whereby the aforesaid offences came to be registered against them.

4. Heard the learned Counsel for the applicants, learned Assistant Government Pleader for the non-applicant No.1/State and learned Counsel appearing on behalf of non-applicant No.2.

5. Learned Counsel for the applicants submitted that there are no allegations against any of the applicants for demanding dowry. According to him, so far as the allegations of assaulting and abusing are concerned, the omnibus statement is made by the complainant without assigning any specific role to each of the applicants. It is contended that just because the applicants were present in the meeting in order to save the relationship between Sahebrao and the complainant, false allegations have been made against them. It is further contended that only general allegations are made against the applicants and therefore, no offence is made out against any of them.

6. Learned Counsel for the applicants also contended that prior to lodging of the FIR, a complaint was lodged by Sahebrao against the complainant on 04.06.2024 stating all the factual aspects. In the said complaint it was mentioned that after marriage, the complainant resided at her maternal home and she was having an extra-marital relationship with Police Constable Atul. According to the learned Counsel for the applicants, the applicants and Sahebrao obtained evidence to that effect and thereafter, lodged a complaint against the complainant, which was converted into Non-Cognizable Complaint (NC). It is contended that in view of the complaint filed by Sahebrao against the complainant, the complainant has filed this

false FIR against the applicants. According to the learned Counsel for the applicants, Sahebrao who is the main accused in the crime has been exonerated from the departmental enquiry as no evidence was found against him regarding any harassment and therefore the applicants have prayed to quash and set aside the FIR and consequent chargesheet.

7. As against this, learned Assistant Public Prosecutor as well as the learned Counsel for the non-applicant No.2 vehemently submitted that the applicants are relatives of main accused Sahebrao and they were harassing the complainant and were demanding dowry. It is further contended that the applicants have actively participated in commission of the offences and therefore, the FIR has culminated into filing of chargesheet against the applicants as well as Sahebrao. Therefore they sought rejection of the application.

8. On perusal of the FIR, it is revealed that there are no allegations against any of the applicants regarding demand of dowry. The allegation of demand of dowry of Rs.4,00,000/- is made only against Sahebrao and not against any of the applicants herein. An omnibus statement is made by the complainant that the applicants used to support Sahebrao and used to harass her on account of demand of dowry. In absence of any specific allegation of demand of

dowry by the applicants, it cannot be said that offence has been made out against the present applicants under Section 498A of the IPC, more particularly when the complainant never resided in the matrimonial house with the applicants. Therefore, no case is made out against the applicants under Section 498A of the IPC.

9. So far as the allegation of abuse and assault by present applicants on 16.06.2024 in the meeting at Sahebrao's residence is concerned, it appears that the complainant has made general allegations of 'abuse by the applicants'. It is alleged that applicant No.2 and 4 abused the complainant. No specific role has been assigned by the complainant in this regard. The complainant further stated that the applicants assaulted her by means of fists and kick blows. Again, an omnibus statement has been made by the complainant without giving any details of who assaulted her by means of fists and kick blows and on what parts of her body. That apart, there is also no medical certificate to that effect.

10. Notably, Sahebrao had filed a complaint against the complainant much before the FIR was filed by the complainant, stating that the complainant had an illicit relationship with Atul. The meeting was arranged to convince the complainant. It appeared from the tenor of FIR that just because the applicants attended the meeting

dated 16.06.2024, the complainant falsely implicated the applicants. All these demonstrate that this complaint was made by the complainant with an ulterior motive of seeking vengeance against the applicants. Continuation of proceedings against the present applicants will be nothing but an abuse of the process of law.

11. Further as stated above Section 498A does not attract to the applicants, the remaining offences under Sections 323, 504 and 506 of the IPC are non-cognizable. In the case of ***State of Haryana & Ors. Vs. Bhajanlal & Ors.***, reported in ***1992 Supp(1) SCC 335***, it is observed that 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. The High Court can exercise extraordinary power to quash FIR.

12. In view of the peculiar facts and circumstances of the case, in my considered view, a case is made out for quashing of the FIR and chargesheet. Accordingly, I proceed to pass the following order:

- (i) The Criminal Application is allowed.
- (ii) FIR No.24/2025, registered with Police Station, Pusad City, District Yavatmal for the offences punishable under Sections 498A, 323, 504, 506 read with Section 34 of the

IPC, consequent Chargesheet No.310/2025 dated 15.04.2025 and Regular Criminal Case No.292/2025, pending on the file of Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Pusad are hereby quashed and set aside only to the extent of the present applicants.

13. Rule is made absolute in the above said terms. No order as to costs.

14. Pending application(s), if any, shall stand, disposed of.

(M.W. CHANDWANI, J.)