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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 914 OF 2023

1. Lalit Bhaurao Mahajan [Husband]
[Application is withdrawn as per
order dated 17-07-2023]
2. Bhaurao Anand Mahajan [Father-in-law]
Age-51 years, Occu-Retired
3. Jyoti W/o. Bhaurao Mahajan [Mother-in-law]
Age-51 years, Occu-Household,
All R/o. Jaihind Co-operative Housing Society,
Plot No. 107, Flat No.302,
Sector 29, R/o. Washi New Mumbai ...APPLICANTS

VERSUS

1. The State of Maharashtra
through Police Station Erandol,
Tq. Erandol, Dist. Jalgaon
2. Parul W/o. Lalit Mahajan,
Age-33 years, Occu-Household,
C/o. Datta Colony, Erandol,
Tq. Erandol, Dist. Jalagon ...RESPONDENTS

WITH

CRIMINAL APPLICATION NO. 913 OF 2023

1. Varun S/o. Bhaurao Mahajan,
R/o. Jaihind Co-operative Housing Society,
Plot No. 107, Flat No.302,
Sector 29, Washi New Mumbai ...APPLICANT

VERSUS

1. The State of Maharashtra
through Police Station Erandol,
Tq. Erandol, Dist. Jalgaon



(2)

33criapln914.23

2. Parul W/o. Lalit Mahajan,
Age-33 years, Occu-Household,
C/o. Datta Colony, Erandol,
Tq. Erandol, Dist. Jalagon

...RESPONDENTS

Mr. R. M. Bhagwat, Advocate h/f Mr. G. P. Shinde, Advocate for the
applicants in both the applications

Mr. S. N. Morampalle, APP for the respondents/State

CORAM : RAJNISH R. VYAS, J.

DATE : 09th APRIL, 2026

PER COURT :

1. Heard the respective counsels for the parties.
2. In the Criminal Application No. 913/2023 the applicant-
Varun who is shown as accused No. 4 in the First Information Report.
Said Varun is brother of original accused No.1. The accused No.1 is
husband of non-applicant No. 2-Parul in both the applications.
3. In Criminal Application No.914/2023 initially original
accused Nos. 1 to 3 have approached this court. Accused No. 1 is the
husband. Original accused No.2 is the father-in-law and original
accused No. 3 is the mother-in-law. Vide order dated 17-07-2023
passed by this court, the criminal application as regards
husband/original accused No. 1 was withdrawn and therefore,
disposed off qua the husband/Lalit.
4. Now these applications, father-in-law, mother-in-law and



brother-in-law of the non-applicant No. 2 are the applicants.

5. Learned Advocate for the applicants challenging the registration of First Information Report, final report and order taking cognizance has contended that allegations against the applicants are general in nature and therefore, they cannot be prosecuted. He thus, prayed for allowing the applications.

6. Per contra, learned Advocate for the non-applicant No. 2 has submitted that all the applicants were residing under one roof. Therefore, it can be gathered that all of them have subjected the informant to ill-treatment.

7. Learned APP has contended that since charge-sheet is filed recourse to discharge application can be taken by the present applicants.

8. With the assistance of the respective counsels, I have gone through the record of the case. The First Information Report bearing No.232/2022 dated 21-12-2022 in question was lodged by the non-applicant No.2-Parul in all against four persons for commission of offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the IPC. In the said FIR it was alleged that marriage of Non-applicant No.2 was solemnized with Lalit on 07-06-2014 in which her father had given cash amount of Rs.11 lakhs



(4)

33criapln914.23

so also gold and silver ornaments. After the marriage non-applicant No.2 started residing with the accused persons at Washi. After fifteen days in-laws used to say that though father of non-applicant No. 2 had agreed to pay amount of Rs.51 lakhs only Rs.11 lakhs were paid in marriage. The non-applicant No.2 was asked to bring remaining amount of Rs.40 lakhs and on that count, comments were passed. According to the FIR non-applicant No. 2 was working with Washi Electricals Pvt. Ltd. from 2014 to 2017. The accused persons had asked the non-applicant No. 2 to leave the said service. Husband used to assault the non-applicant No.2 under the influence of liquor. It is alleged in the FIR that husband had demanded amount of Rs.40 lakhs for purchase of flat and on that count had driven the non-applicant No.2 out of the house.

9. According to the FIR since 26-06-2021 the non-applicant No.2 was residing with her parents' place at Erandol Town. According to the non-applicant No.2 on 24-07-2022, her husband came to her parents' place and abused and assaulted the non-applicant No. 2 and her parents, so also snatched the Mangalsutra of non-applicant No.2. Mangalsutra then got damaged, which was taken away by the husband. It was alleged that husband had again threatened that in case amount is not taken, she would not be permitted to reside. Non-applicant No.2 then lodged a complaint on 26-07-2022 with Women



Grievance Redressal Forum and had requested for settlement of the matter, but, in-laws did not appear. Finally on 09-11-2022 a letter was issued by the Women Grievance Redressal Forum regarding registration of FIR. It is in this background, FIR was registered and consequent final report was filed.

10. Perusal of the FIR would reveal that the applicants have demanded remaining amount of Rs.40 lakhs and have asked the non-applicant No. 2 to leave the job. The allegations made in the final report are bereft of any specific details regarding time and period. It is well settled principle of law that generalize and omnibus statement would not be enough to establish the prima facie case under Section 498-A of the IPC. It is further necessary to mention here that even according to the case of the non-applicant No. 2, she was driven out of the house on 26-06-2021, whereas the FIR was lodged on 21-12-2022. Though the delay would not be fatal in all the cases but would be an additional factor for deciding the question of quashment. As already stated that there are omnibus and general allegations against the present applicants and therefore, continuation of the prosecution would not be in the interest of justice.

11. The Hon'ble Apex Court in State of Hariyana Vs Bhajanlal, AIR 1992 SC 604 has categorically stated that if the allegations made in the FIR and final report fails to make out prima



(6)

33criapln914.23

facie case then continuation of the prosecution would not be in the interest of justice.

12. In the light of law laid down by the Hon'ble Apex Court, if the averments are looked into, it can be said that no prima case is made out. Hence, the following order:

ORDER

- a] The applications are allowed in terms of prayer clauses-[B], [B-1]&[B-2] as regards Bhaurao Mahajan, Jyoti Mahajan and Varun Mahajan.
- b] Trial to proceed against accused/Lalit Mahajan.
- c] The applications are disposed off.

[RAJNISH R. VYAS, J.]

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