



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

CRIMINAL APPLICATION (APL) NO. 41/2023

Mahesh s/o. Rajendra Dube and Ors.

Vs.

The State of Maharashtra and Anr.

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders
.....

Court's or Judge's order

Mr. A. R. Ralwani, Advocate for Applicants.

Mr. K. R. Lule, A.P.P. for Non-applicant/State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 27.04.2026

1. The applicants have filed this application for quashing the Charge-sheet No.239/2022 arising out of the First Information Report No.123/2022 registered for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code and R.C.C.No.795/2022 pending before the Judicial Magistrate First Class, Court No.7, Akola.

2. Applicant No.1 and non-applicant No.2 are the husband and wife. Their marriage was solemnized in the year 2014. Thereafter, she went with her husband at Mumbai. She has made allegations that her husband used to harass her by saying that, she has not properly behaved with his sisters. Thereafter, he demanded the amount for purchasing truck as he wanted to start the transport business and all the family members used to harass her. Therefore, she left the house of the applicants. After the birth of daughter, she has lodged the complaint against all the family members. She has also filed petition under the Domestic Violence Act.



3. Learned Counsel for the applicants has stated that, the divorce petition filed by the applicant No.1 is allowed on the ground of cruelty. The Domestic Violence Proceeding, pending before the Court of Judicial Magistrate First Class was dismissed due to non-appearance of non-applicant No.2. Today also, she is not present though served. The allegations made against all the applicants are omnibus. The allegations which she has made are considered in divorce petition. The Court observed that these allegations were not proven; therefore, the divorce was granted on the grounds of cruelty. As the cruelty is proved against her and the domestic violence proceeding is also dismissed, prayed to set aside the Charge-Sheet and the First Information Report registered against these applicants.

4. Learned A.P.P. opposed the application stating that, non-applicant No.2 is not present. Though the divorce is granted on the ground of cruelty, the specific allegations are made against all these applicants about demand of dowry and mental and physical cruelty. Therefore, the trial is required. Hence, prayed to reject the application.

5. Heard the learned Counsel for the applicants and the learned A.P.P. for the State.

6. The marriage took place in the year 2014. The allegations are made about demand of dowry. The applicants harassed non-applicant No.2 and they drove her out from their house. After going through the observations made by the Family Court in divorce petition, all the allegations made by non-applicant No.2 are not proved. The evidence was recorded by the Family Court. No witnesses were examined to prove the allegations made by her in her written



statement. The same allegations are made in the First Information Report about demand of money for purchasing truck. The said allegations are not proved in the petition before the Family Court. The Family Court has granted divorce. The decree of divorce is not challenged by non-applicant No.2. The domestic violence proceeding is also dismissed without prosecution. As the Competent Authority has observed that, the allegations made by her in her written statement and the torture by the applicants is not proved, no case is made out against these applicants for the offence punishable under Sections 498-A, 323, 504 of the Indian Penal Code.

7. Hence, the Charge-sheet No.239/2022 arising out of the First Information Report No.123/2022 registered for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code and R.C.C.No.795/2022 pending before the Judicial Magistrate First Class, Court No.7, Akola are quashed and set aside subject to depositing costs of Rs.25,000/- paid by the applicants with the Public Welfare Account maintained with Union Bank of India, High Court Branch, Civil Lines, Nagpur bearing Account No.129712010001014 and IFSC Code UBIN0812978 within a period of four weeks and producing the receipt thereof on record within two weeks thereafter.

8. The application is allowed in the above terms and disposed of.

(MRS.VRUSHALI V. JOSHI, J.)