



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

CRIMINAL APPLICATION (APL) NO.1667/2025

1. Pralhad S/o Sakharam Kolhe,
(Father-in-law),
age 77 Yrs., Occu. Agriculturist,
R/o Dhodap, P.O. Dongar Shewali,
Tah. Chikhali, Distt. Buldhana.
2. Smt. Shobha W/o Pralhad Kolhe,
(Mother-in-law),
age 72 Yrs., Occu. Household,
R/o Dhodap, P.O. Dongar Shewali,
Tah. Chikhali, Distt. Buldhana.
3. Sandip S/o Pralhad Kolhe,
(Brother-in-law),
age 42 Yrs., Occu. Advocate,
R/o Plot No.50, Shiv Nagar,
Shahnoorwadi, Aurangabad.
4. Smt. Manisha W/o Sandip Kolhe,
(Sister-in-law),
Age 30 Yrs., Occu. Nil,
R/o Plot No.50, Shiv Nagar,
Shahnoorwadi, Aurangabad.
5. Smt. Mangala W/o Sanjay Mahadsane,
(Sister-in-law),
Age 41 Yrs., Occu. Household,
R/o Kartawadi, Tah. Chikhali,
Distt. Buldhana.

... Applicants

- Versus -

1. State of Maharashtra,
through P.S.O. Sakharkheda,
Police Station, Distt. Buldhana.
2. Smt. Varsha W/o Deepak Kolhe,
(Complainant),
Age 25 Yrs., Occu. Nil,
R/o C/o Baliram Dagdu Patil,

Ratali, Tal. Sindakhed Raja,
Distt. Buldhana.

... Non-applicants

Mr. Saurabh Sujit Singha, Advocate for the Applicants.
Mr. A.M. Kadukar, A.P.P. for Non-applicant No.1/State.

CORAM: MRS. VRUSHALI V. JOSHI, J.

DATED : 07.05.2026.

JUDGMENT

The applicants have filed this application to quash F.I.R. No.236/2025, registered by non-applicant No. 1, for offences under Sections 498-A, 323, and 506 read with Section 34 of the Indian Penal Code.

2. The applicants are the in-laws of the first informant (non-applicant No.2).

3. Non-applicant No.2 married her husband on 29.04.2016 in a love marriage. They have one son, who has hearing and speech impairment.

4. It is alleged that her husband did not provide proper medical treatment for the child, even though he knew about his condition. As a result, the complainant took financial help from her parents, who spent about Rs.8 lakhs on the child's treatment and surgery. When she returned to her matrimonial home, applicant Nos.1 and 2 did not give her food and subjected her to domestic violence.

5. It is alleged that the husband of non-applicant No.2 demanded Rs.1 lakh from her to dig a well on agricultural land and pressurized her to bring the money from her parents. When she refused, the

applicants abused and harassed her. They also instigated her husband to demand the money and, on her refusal, told him not to treat her properly.

6. It is alleged that on 15.12.2021, the husband of the complainant threw her and her son out of the matrimonial home and threatened that if she did not bring money from her parents, she would not be allowed to live with him and would face serious consequences. Therefore, the complainant filed a complaint at Sakharkheda Police Station, and a case was registered.

7. The learned advocate for the applicants stated that applicant Nos.1 and 2 are the in-laws of the first informant. Applicant Nos.3 and 4 are the brother-in-law and his wife, and applicant No.5 is the sister-in-law. They were not living with non-applicant No.2. Applicant No.3 is a practising advocate. There are no allegations against applicant Nos.1 and 2.

8. The applicants have produced documents showing that the husband of non-applicant No.2 paid the medical expenses for their son's surgery and also applied under the Rajiv Gandhi Scheme for his treatment, as he could not afford further expenses. Therefore, the allegation that the complainant's parents paid for the treatment and that the husband did not take care of the child is not correct. There is also a delay in filing the F.I.R.

9. As per Section 468(2)(c) of the Code of Criminal Procedure, an F.I.R. should be filed within three years from the date of the last incident.

10. As per the allegations, the last incident occurred on 15.12.2021, but the F.I.R. was registered on 08.08.2025, which is beyond the three-year period.

11. The learned advocate for the applicants relied on the judgment of this Court in *Musin Babulal Thengade and Others vs. State of Maharashtra* (2025 SCC OnLine 226). He argued that since there is a delay in filing the F.I.R. and there are no specific allegations against the applicants, the F.I.R. should be quashed.

12. The learned A.P.P. opposed the application, stating that there are specific allegations against all the applicants. The applicants are the in-laws, and non-applicant No.2 has stated that her husband demanded money and that the applicants did not visit her son even after his operation. When she questioned, they told that they are not concerned with the child. It was argued that these allegations can be proved only during trial. It was also submitted that there is no delay, as after the complaint was filed, the Women Cell tried to settle the matter and time was spent in counselling. Hence, prayed to reject the application.

13. Heard both sides and perused the record.

14. The applicants are the in-laws of the first informant. On reading the F.I.R., it appears that there are no specific allegations against them. Applicant Nos.3 and 4 were also not living with non-applicant No.2 and her husband.

15. Although there are allegations that the husband did not take proper care of the specially abled son or bear the cost of his operation, the applicants have produced documents showing that he paid for the surgery and also applied under the Rajiv Gandhi Scheme for further expenses. Therefore, these allegations do not stand. There are no specific allegations against the other applicants; they have been included in the case only because they are relatives of the husband.

16. The Hon'ble Supreme Court has held in many cases that, to prevent unnecessary involvement of all family members in offences under Section 498-A of the IPC, such applications should be decided at an early stage.

17. On examining the record, it is clear that the last incident occurred on 15.12.2021, while the F.I.R. was filed on 08.08.2025. There is an inordinate delay.

18. For the aforesaid reasons, the application is required to be allowed. Hence, the following order:-

ORDER

- i) The F.I.R. No.236/2025, registered by the non-applicant No.1, for the offence punishable under Sections 498-A, 323 and 506 read with Section 34 of the IPC is quashed and set aside.
- ii) The application is allowed in the above terms and disposed of.

(MRS. VRUSHALI V. JOSHI, J.)