



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

929 CRIMINAL APPLICATION NO. 401 OF 2025

1. Suman W/o Nanabhau Bedre,
Age 81 years, Occu. Nil,
R/o Flat No. 20, Building No. 1,
Pritam Nagar Cooperative Housing Society,
Near Rahul Nagar, Kothrud,
Pune City, Dist. Pune. (Mother in law)
 - 2] Nanabhau S/o Namdeo Bedre,
(Nanasaheb S/o Nanabhau Bedre as per FIR)
Age 81 years, Occu. Nil,
R/o Flat No. 20, Building No. 1,
Pritam Nagar Cooperative Housing Society,
Near Rahul Nagar, Kothrud,
Pune City, Dist. Pune.(Father-in-law)
 - 3] Shivaji S/o Nanabhau Bedre,
Age 45 years, Occu. Private Service,
R/o Flat No. 20, Building No. 1,
Pritam Nagar Cooperative Housing Society,
Near Rahul Nagar, Kothrud,
Pune City, Dist. Pune.(Brother in law)
- APPLICANTS.**
(Original Accused)

VERSUS

- 1] The State of Maharashtra
Through The Investigation Officer,
Kotwali Police Station,
Tq. and District Ahilyanagar,
(Copy to serve on Public Prosecutor
High Court of Judicature of Bombay Bench At Aurangabad).
- 2] Snehal w/o Shahaji Bedre,
Age 35 years, Occu. Household,
R/o Anand Nagar, Station Road,
Tq. & Dist. Ahilyanagar. ...RESPONDENTS.
(Resp. No. 2 Orig. Informant.)

...

Mr. Ajinkya Kale, Advocate i/b Talekar & Associates for Applicants
Mr. D. J. Patil - APP for the State
Mr. Narayan B. Narwade - Advocate for Respondent No. 2

...

CORAM : HITEN S. VENEGAVKAR, J.

DATED : 04TH SEPTEMBER, 2026

ORAL JUDGMENT : -

1. Rule. Rule made returnable forthwith. With the consent of the learned Advocates appearing for all the parties, the Application is heard finally.

2. The Applicants invoke the inherent jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking quashing of the FIR bearing Crime No. 1349 of 2024, dated 21.12.2024, registered with Kotwali Police Station, Ahmednagar, for the offences punishable under Sections 85, 115(2), 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023. During pendency of the Application, the investigation came to be completed and a charge sheet came to be filed giving rise to RCC No. 204 of 2025. The application was thereafter amended by the Applicants seeking quashing of the Charge-sheet and consequential proceedings. The amended prayer specifically encompasses the Charge-sheet pending before the learned Trial Court.

3. Applicant No. 1 is the Mother-in-law, Applicant No. 2 is the Father-in-law, and Applicant No. 3 is the elder Brother-in-law of Respondent No. 2 / Informant. The husband of Respondent No. 2 / Informant is Accused No. 4 in the Crime, and he is not Applicant before

this Court.

4. The marriage between Respondent No. 2 and Accused No. 4, Shahaji, was solemnized on 21-11-2009. A daughter was born from the wedlock. The matrimonial relationship thereafter became strained. The record also reflects earlier proceedings for divorce by mutual consent, wherein Respondent No. 2 subsequently withdrew her consent before the Family Court has been culminated in 'no divorce'. Subsequently, the present FIR has been registered on 21.12.2024.

5. I have heard the learned Advocate for the applicants and also the learned advocate appearing for Respondent No. 2 and the learned APP. With their assistance, I have gone through the entire FIR and the investigation papers that have been annexed to the present Application. The learned Advocate for the Applicants has also relied upon certain documents in support of the submissions canvassed by him regarding the separate residence of Applicant No. 3 at Pune.

6. The learned Counsel for the Applicants submits that the entire matrimonial dispute is essentially between Respondent No. 2 and her husband [Accused No. 4]. According to him, Applicant Nos.1 and 2 are elderly parents and Applicant No. 3 has been permanently residing and working in Pune since long prior to the marriage. It is submitted

that the FIR contains sweeping and collective allegations against the Applicants without attribution of any specific individual role. Particular emphasis is placed on Applicant No. 3. The appointment letter dated 01.10.2005 issued by the Company by name, Vritti Solutions, records that Shivaji Bedre [Applicant No.3] was appointed as Sales Manager and was based in Pune. The Applicants have also produced the leave and licence agreement, Electricity Bill, and Municipal Records, and employment material to demonstrate his residence at Pune. It is therefore submitted that his implication as brother-in-law is an afterthought and that he was never part of the matrimonial household. Learned counsel for the Applicants submits that the allegations appearing in the statement of Vijay Borge, regarding a threat by the Applicant No. 3, cannot sustain the offences alleged. It is submitted that despite completion of the investigation, no objectionable photographs alleged to have been used for threatening Respondent No. 2, was recovered from any mobile phone or other device. It is therefore contended that even the allegation against Applicant No. 3 is unsupported by any objective material.

7. Learned Advocate for Respondent No. 2 opposes the Application. He argues that the FIR cannot be dissected by considering the Applicants in isolation from the matrimonial history. According to him, Respondent No. 2 repeatedly informed Applicant Nos. 1 and 2

about the conduct of the husband, she had repeatedly complained about the husband's drinking habits, assault and harassment, but they did not intervene and, on the contrary, have encouraged the husband. It is submitted that such conduct itself contributed to the mental harassment suffered by the Respondent No. 2.

8. So far as Applicant No. 3 is concerned, it is submitted by learned Advocate for Respondent No. 2 that the Charge sheet contains specific material. Reliance is placed upon the statement of Vijay Borge, wherein the Applicant No. 3, is specifically alleged to have visited his clinic and threatened that if Respondent No. 2 did not give unconditional consent for divorce, then the obscene photographs of Respondent No. 2, which are available with them, will be made viral on WhatsApp and Instagram. It is also contended that there is material relating to the affairs of Pat Sanstha, wherein Respondent No. 2 alleges that her signatures were forged and she was unnecessarily involved in the offence *in spite* of the fact that her name was used and the actual day-to-day affairs were looked after by her husband and Applicant No.3.

9. He, therefore, submits that this is not a case where there are absolutely no allegations made out in the complaint, as well as there is no material in corroboration with the averments and allegations made in the FIR. In light of the above, he prays that the application for all the

applicants be dismissed.

10. The learned APP also submits that the statement of Vijay Borge and other witnesses contains specific allegation against Applicant No. 3. On a query from the Court, the learned APP fairly states that no photographs of the nature referred to in the alleged threat were recovered during investigation. He further argues that, taking into consideration the entire allegations levelled by Respondent No. 2 in the FIR and the allegations made by Respondent No. 2 being corroborated by the independent witnesses, as well as the statement of the family members, it is not a case which can be quashed at this stage by exercising inherent jurisdiction of this court. The allegation requires full-fledged trial, and the applicants will have to lead evidence to demonstrate the truthfulness of the said allegations. He does pray that the application be dismissed.

11. The question, which, therefore arises before this Court, is whether continuation of the prosecution against each of the present applicants would be justified on the basis of the material collected during investigation. The principles governing exercise of inherent jurisdiction are well settled in the case of *State of Haryana & Ors. v. Ch. Bhajan Lal & Ors.*, 1992 Supp (1) SCC 335, the Supreme Court identified illustratively situations in which criminal proceedings may be

interfered with, where the allegations taken at face value do not constitute an offence, and where the allegations are uncontroverted and material collected does not disclose commission of an offence, or where continuation of the prosecution would amount to abuse of process of the Court.

12. In matrimonial prosecutions, the Supreme Court has repeatedly cautioned the Courts against permitting relatives of the husband to be subjected to trial upon vague, omnibus and general allegations. In the case of **Dara Lakshmi Narayana & Others v. State of Telangana & Another, (2025) 3 SCC 735**, it was reiterated that mere reference to members of the husband's family without particularized allegations indicating active involvement, cannot ordinarily form the basis for criminal prosecution. Even recently, in the case of **Sivaraman Nair & Others v. State of Kerala & Another, 2026 INSC 412**, the Hon'ble Apex Court has considered allegations against the Father-in-law, Mother-in-law and Sister-in-law. The principal allegations of physical assault and cruelty were against the husband, while allegations against the relatives were mainly that they were present during certain incidents, the allegations of receipt of the amount and allegations pertaining to encouragement to the conduct of the husband. The Supreme Court in the said case has held that the absence of any specific act of demand, threat, or physical assault attributable to those relatives was material,

and accordingly, in the absence thereof, proceeded to quash the entire prosecution against the relatives of the husband.

13. Further, in the case of *Arti Mehta & Ors. v. The State of Madhya Pradesh & Anr.*, 2026 INSC 533, the Hon'ble Supreme Court has reiterated the principles in respect of holding the entire family of the husband as accused in the matrimonial disputes. The Court expressly recognized the social reality that cruelty within matrimonial home may, in an appropriate case, be perpetrated with the active cooperation of members of the family and the extended family members. The inquiry therefore remains allegation-specific and accused-specific. The Supreme Court observed that wherever there are no specific and time-oriented allegations, then in such case, the extended family members should not be compelled to undergo the agony of a criminal trial. Tested on these principles and the material which has been annexed to the present proceedings, the distinction between Applicant Nos. 1 and 2 and Applicant No. 3, on the other hand, will have to be drawn. The gravamen of the FIR insofar as physical and mental cruelty is concerned, is substantially directed against the husband. The allegation is that the husband consumed liquor, abused and assaulted Respondent No. 2 and questioned the paternity of the daughter. When the allegations turn to Applicant Nos. 1 and 2, the substance is that Respondent No. 2 complained to them regarding the conduct of the husband, but they did

not pay heed to her grievances and instead encouraged him. Thereafter the allegations repeatedly proceed collectively against the Applicant Nos. 1 and 2 by referring the allegations as “सासरचे लोक”. The FIR narration itself demonstrates this distinction.

14. The allegations concerning payment of Rs. 3.00 lakh is also broadly attributed to the matrimonial family. There is no sufficiently particularized allegation that either Applicant No. 1 or Applicant No. 2 individually demanded a particular amount on an identifiable occasion, neither there is any allegation that they have received the amount or they have threatened Respondent No. 2 upon non-payment or subjected her to specific act of physical or mental cruelty.

15. Much emphasis has been placed by Respondent No. 2 upon the allegations that Applicant Nos. 1 and 2 were informed about the misconduct of the husband and they did not take any coercive action. In my view, the mere failure of the parents to intervene in a matrimonial dispute between their adult son and daughter-in-law, in the absence of anything more to demonstrate their active participation in acts of cruelty, cannot, by itself, satisfy the statutory ingredients of Section 85 read with Section 86 of the BNS. To hold otherwise would effectively impose criminal liability upon parents for not successfully controlling the behavior of an adult married son.

16. The submission that they encouraged the husband is also unsupported by any specific words, conduct, occasion or overt act attributable individually to Applicant No. 1 or Applicant No. 2. A general assertion of encouragement cannot acquire the character of specific allegation merely because the same narration is repeated by other witnesses during investigation.

17. The charge-sheet has not materially improved the prosecution case against Applicant Nos. 1 and 2 and substantially repeats the matrimonial history. The source of a witness's information does not, by itself, render the statement unacceptable. Equally, repetition of the same allegations by several witnesses cannot cure the absence of an identifiable criminal act attributable to a particular applicant in respect of a particular accusation. The separate residence and age of Applicant No. 3 are not, by themselves, grounds for quashing, nor would it be permissible at this stage to conduct a trial upon the documents produced by the prosecution. Those circumstances can, however, be noticed in conjunction with the fundamental deficiency in the prosecution case, namely absence of particularized allegations against them. I am therefore satisfied that continuation of prosecution against Applicant Nos. 1 and 2 would amount to compelling the parents-in-laws to undergo criminal trial on the basis of generalized attribution subsequently arising substantially out of their relationship with the

husband. Such continuation would amount to abuse of the process of the court.

18. The case of Applicant No. 3, however, stands on a completely different footing. It is true that material produced by him demonstrates that he was employed at Pune since 2005. The appointment letter records his Pune posting from 1-10-2005. His plea of separate residence therefore has substantial documentary support. But separate residence is an important circumstance, and it is not an absolute legal immunity where the prosecution material itself contains a distinct incident allegedly involving that person. One more aspect that requires to be placed on record is all these documents have been submitted by the learned Advocate for Applicant No. 3 for the first time in the present proceedings. None of these documents were ever produced. None of these documents has been shown to have been brought to the notice of the Investigating Officer at the time of investigation. Thus these documents are extraneous documents outside the charge sheet, and therefore the consideration of such extraneous documents comes with several limitations while considering an application for quashing under inherent jurisdiction.

19. In addition to the above, the statement of the prosecution witness, Vijay Borje, assumes significance in this regard. Borje states

that, in 2019, Applicant No. 3, Shivaji Bedre, came to his house and, in substance, threatened that unless Respondent No. 2 gave her unconditional consent to the divorce, her obscene photographs would be circulated on WhatsApp and Instagram. Borje further states that he informed the learned Advocate for Respondent No.2 about the threat, but there was no complaint lodged at that time out of fear. This is not an allegation against all the in-laws. Applicant No. 3 is identified by name. The place of the alleged occurrence is identified as the house of the witness. The purpose attributed to the threat is also identified, thereby securing unconditional consent of Respondent No. 2 for divorce and there is also a specific allegation that the threatened act was intended to cause injury to the reputation of Respondent No. 2. Thus, unlike the allegations against Applicant Nos. 1 and 2, the charge sheet contains an individualized overt act against Applicant No. 3.

20. The learned Counsel for Respondent No. 2 is justified in pointing out that no photographs referred to in the alleged threat were recovered by the Investigating Officer. The learned APP has fairly accepted this position. That circumstance may assume considerable importance at the stage of trial. However, the offence of criminal intimidation does not necessarily depend upon the eventual execution of the threatened act. At the present stage, the Court is concerned with the allegation of the threat itself and the intention attributed to it. Whether

any such photographs ever existed, whether Applicant No. 3 possessed them, whether the statement of Borje is reliable, whether the alleged words were actually uttered, whether the threats were in fact communicated to Respondent No. 2, and whether all the ingredients of the alleged offences ultimately stand proved are matters that cannot appropriately be adjudicated in proceedings under Section 528 of the BNSS. These are questions that will have to be answered after evidence is led before the trial court.

21. The Applicants have also sought to dispute the statement of Borje by alleging that he subsequently stated that he had neither made nor signed such a statement. Such a contention raises a direct question regarding the credibility and authenticity of the prosecution evidence. Acceptance of a defence at this stage would necessarily involve a mini-trial, which is impermissible while exercising the inherent jurisdiction of this Court. Likewise, the fact that Applicant No. 3 ordinarily resided at Pune does not render the alleged visits to the witness at Ahmednagar inherently impossible. Residence at Pune may discredit the allegations only if the prosecution case itself places him continuously elsewhere at the relevant time by unimpeachable material. The documents presently relied upon establish his ordinary residence and employment at Pune, but do not conclusively negate the alleged visit forming the subject matter of Borje's statement.

22. The material concerning Pat Sanstha and the alleged obtaining of signature of Respondent No. 2 has also been referred to by the Respondents. This Court does not propose to express any final opinion upon that transaction, particularly when another criminal proceedings concerning that allegation is stated to be pending. The pendency of another criminal proceedings cannot be used either to prove guilt in the present case or to sustain charges which otherwise do not disclose any ingredients. The contention that the present FIR was lodged after matrimonial proceedings and was a counterblast also cannot by itself conclude the matter. The sequence of proceedings relating to divorce, maintenance, and other matters furnishes relevant background. However, once a specific allegation independently disclosing a *prima facie* offence is found in the charge-sheet, the Court cannot terminate the prosecution merely because matrimonial litigation preceded the FIR. This Court, therefore, finds that Applicant No. 3 cannot claim the benefit of the principle applicable to purely omnibus implication of relatives. There is *prima facie* material requiring adjudication at trial. However, it is clarified that this Court has not expressed any opinion on the truthfulness of the allegations or upon the ingredients of each individual penal provision. Applicant No. 3 shall be at liberty to raise all contentions available to him at the appropriate stage, including at the stage of consideration of charge, and the learned Trial Court shall consider those contentions uninfluenced by the

observations made herein. Consequently, the application deserves to be partly allowed. Hence, the following order:

ORDER

- [i] So far as Applicants No. 1 and 2 are concerned, the Criminal Application is allowed.
- [ii] FIR bearing Crime No. 1349 of 2024, dated 21.12.2024, registered with Kotwali Police Station, Ahmednagar, for the offences punishable under Sections 85, 115(2), 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, and Charge-sheet bearing RCC No.0000204/2025 pending with the learned 5th Joint Civil Judge Senior Division and Additional Chief Judicial Magistrate, Ahmednagar filed pursuant to the FIR No.1349/2024, stand quashed as against Applicant Nos. 1 and 2, namely, Suman Bedre and Nanabhau Bedre.
- [iii] Insofar as Applicant No. 3, Shivaji Bedre, is concerned, the Criminal Application stands rejected.
- [iv] So far as Applicant No. 3 is concerned, the observations made hereinabove are *prima facie* in nature and are confined to the adjudication of the present application only. Further, the learned Trial Court shall conduct the trial independently and

in accordance with law, uninfluenced by any observations made in this order.

[v] The Trial Court to proceed with the trial against Respondent No. 2's husband, namely, Shahaji Bedre, and Applicant No. 3 herein-Shivaji Bedre, in accordance with law, without getting influenced by the observations made by this court in the present proceedings.

23. Rule is made absolute insofar as Applicant Nos. 1 and 2 are concerned and stands rejected insofar as Applicant No. 3 is concerned.

**[HITEN S. VENEGAVKAR]
JUDGE**

SG Punde