



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

CRIMINAL APPLICATION NO. 954 OF 2025

1. Prasenjeet S/o Kashinath @ Kashiram Khadse (Husband)
Age: 38 years, Occu.: Service,
R/o. Panchsheel Nagar, Basmat,
Tq. Basmat, Dist. Hingoli.
2. Sharada W/o Kashinath @ Kashiram Khadse (Mother-in-law)
Age: 70 years, Occu.: Household,
R/o. Panchsheel Nagar, Basmat,
Tq. Basmat, Dist. Hingoli.
3. Pradeep S/o Kashinath @ Kashiram Khadse (Brother-in-law)
Age: 41 years, Occu.: Service,
R/o. Plot No. 9, Building No. L-04,
Flat No. 504, Sector-15,
Hansdhvani Housing Complex,
Panvel, Dist. Raigad.
4. Vishram S/o Nagoji Khadse (Cousin Father-in-law)
Age: 68 years, Occu.: Retired,
R/o. Plot No. 8, Irrigation Colony,
Civil Line, Chikhali Road, Washim,
Tq. & Dist. Washim.
5. Shobha W/o Vishram Khadse (Cousin Mother-in-law)
Age: 63 years, Occu.: Household,
R/o. Plot No. 8, Irrigation Colony,
Civil Line, Chikhali Road, Washim,
Tq. & Dist. Washim.
6. Gautam S/o Nagoji Khadse (Cousin Father-in-law)
Age: 66 years, Occu.: Retired,
R/o. Aadarsh Colony, Hingoli,
Tq. & Dist. Hingoli.
7. Maya W/o Gautam Khadse (Cousin Mother-in-law)
Age: 62 years, Occu.: Household,
R/o. Aadarsh Colony, Hingoli,
Tq. & Dist. Hingoli.

8. Sujata W/o Suresh Tajane (Sister-in-law)
Age: 49 years, Occu.: Household,
R/o. Shikshak Colony, Dongaon Road,
Ward No. 5, Mehkar,
Tq. Mehkar, Dist. Buldhana.
9. Suresh S/o Gopalrao Tajane (Husband of applicant No.8)
Age: 56 years, Occu.: Service,
R/o. Shikshak Colony, Dongaon Road,
Ward No. 5, Mehkar,
Tq. Mehkar, Dist. Buldhana.
10. Savita W/o Vijay Thoke (Sister-in-law)
Age: 46 years, Occu.: Household,
R/o. A-950, Jawala, Khardarbhan Road,
Ashok Nagar, Basmat,
Tq. Basmat, Dist. Hingoli.
11. Vijay S/o Sakharam Thoke (Husband of applicant No.10)
Age: 55 years, Occu.: Service,
R/o. A-950, Jawala, Khardarbhan Road,
Ashok Nagar, Basmat,
Tq. Basmat, Dist. Hingoli.
12. Varsha W/o Shailesh Wankhede (Sister-in-law)
Age: 44 years, Occu.: Household,
R/o. Parvati Niwas, House No. 150/713,
Near Suraj Sweet Mart,
Sant Tukaram Nagar, Pimpri,
Pune City, Pune - 411018.
13. Shailesh S/o Vasant Wankhede (Husband of applicant No.12)
Age: 49 years, Occu.: Service,
R/o. Parvati Niwas, House No. 150/713,
Near Suraj Sweet Mart,
Sant Tukaram Nagar, Pimpri,
Pune City, Pune - 411018.

... Applicants

Versus

1. The State of Maharashtra
Through Investigation Officer,
Hingoli Rural Police Station,
Dist. Hingoli.

2. Pradnya W/o Prasanjeet Khadse
Age: 32 years, Occu.: Household, ... (Informant)
At present R/o. Pragati Nagar,
Karwadi, Tq. & Dist. Hingoli. ... Respondents

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Advocate for Applicants : Mr. Dhananjay Shinde h/f. Mr. Gajanan
Tukaram Kharate

APP for Respondent No.1 - State : Mr. S. V. Hange

Advocate for Respondent No.2 : Mrs. A. S. Deshmukh

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 28th AUGUST 2026

JUDGMENT :

1. Rule. Rule made returnable forthwith with the consent
of the parties.

2. At the outset, the learned Advocate for applicants
seeks permission to withdraw the present Criminal Application on
behalf of applicant No.1 - husband. Permission is granted. The
Criminal Application stands dismissed as withdrawn as against
applicant No.1.

3. The present application is filed under Section 482 of the
Code of Criminal Procedure for quashing of the entire proceedings
bearing RCC No. 61 of 2025, pending on the file of the learned
Judicial Magistrate First Class, Hingoli along with the FIR, charge-
sheet and the order of cognizance dated 06th February, 2025.

4. Heard learned Advocates appearing for the respective parties.

5. The learned Advocate for the applicants submits that the complainant was married to accused No.1 on 4th May, 2016 and since then, till the date of registration of FIR i.e. 21st June, 2024, they resided together. Out of the said wedlock, they have one male offspring. He further submits that a perusal of FIR suggests that, after few days of the marriage, the complainant was allegedly subjected to physical and mental harassment on the count that she was not well-versed with household work and also on the allegations of demand of a car costing Rs.10 lakhs. On account of both these harassment, allegation is that the accused husband along with the present applicants used to physically and verbally abuse the complainant, i.e. present respondent No.2. Due to which, on several occasions, the family of the informant had to intervene and request the family members as well as the husband of respondent No.2 and his family members, not to cause harassment to respondent No.2, but to treat her properly and not to harass her or keep her hungry.

6. It is further alleged that, for some time, the accused husband and the present applicants used to stop the harassment;

however, again after the lapse of some period, the harassment used to be continued. It is further alleged that, three years prior to submitting a complaint to the office of Women Grievance Redressal Cell on 21st September, 2023, the present FIR came to be registered on 21st June, 2024.

7. The learned Advocate for the applicants submits that on perusal of the entire contents of FIR demonstrates that there are general and vague allegations against the applicants, who are family members but are distant relatives and are also residing separately from accused No. 1 - husband and respondent No. 2. He further argues that, save and except the allegations of harassment, demand and physical assault upon respondent No.2, which are stated in general and vague terms, there is no specific allegation against any of the present applicants. He thus submits that, in absence of any such specific allegations, the ingredients of the offences alleged against the applicants are not made out, and therefore, this is a fit case for quashing of the proceedings.

8. He further argues that all the present applicants are admittedly related to each other and also accused No.1- husband and respondent No.2. However, all of them are residing separately. He submits that applicant No.2, who is mother-in-law, is almost 70

years of age and is the only applicant who resided along with the husband and respondent No.2 throughout the subsistence of their marriage. He submits that applicant No.3, though being the brother-in-law is working in Mumbai and resides at Panvel along with his family. Applicants Nos.4 to 7 are not only senior citizens but are also residing at their respective residences, far away from the matrimonial house of respondent No.2 along with their own families. As far as applicant No.8 is concerned, who is the sister-in-law of respondent No.2, she is married, and she along with applicant No.9, who happens to be her husband, is residing in District Buldhana. The other sister-in-law, i.e. applicant No.10 resides along with applicant No.11, who is the husband of applicant No.10 is residing at Basmat, Dist. Hingoli. Though the matrimonial house also happens to be at Hingoli, they have their own family and therefore own residence at Ashok Nagar, which is at the distance about 4 to 5 kms. He submits that, applicant No.11 is an Assistant Teacher and therefore, there is no reason as to why applicants Nos.10 and 11 would continuously visit the matrimonial house of accused No.1 and respondent No.2. The other applicant Nos.12 and 13 are again husband and wife and are residing at Pimpri, Pune. Thus, he submits that the repeated allegations of harassment, vaguely made against applicants Nos.3 to 13 cannot be substantiated by any specific allegation and therefore, for the

reason that they are residing separately, they have been added in the present offence only by way of creating pressure and harassing the present applicants. He argues that, as far as applicant No.2, who is the mother-in-law and is residing along with accused No.1 and respondent No.2 is concerned, the allegations are made once again general in nature along with other accused persons. There are no specific allegations against her as well. Taking into consideration that she is almost 70 years of age, she has been unnecessarily dragged into the present proceedings on the basis of false allegations.

9. Learned Advocate appearing for respondent No.2 submits that, the scope of Section 482 of Cr.P.C. application while considering prayer for quashing of the offence is concerned, this Court does not have to minutely scrutinize each and every piece of evidence that has been placed on record by the prosecution. She argues that, once *prima facie* case supported by sufficient material is placed on record by the prosecution, then application under Section 482 for quashing should fail. She further argues that the FIR specifically makes allegations against the applicants as a whole and therefore it constitutes offences under which the FIR has been registered. There are clear allegations levelled against the present applicants pertaining to physical and mental harassment along

with demand of dowry in the nature of a monetary demand of Rs.10 lakhs for the purpose of purchasing a car. She submits that, when such kind of allegations are specifically made in the FIR and the same are reiterated by all the other witnesses whose statements are recorded by the prosecution, the fact as to whether the accused persons are staying together or separately has no bearing at this stage. This will have to be proved before the learned Trial Court by leading substantive evidence. She thus argues that there is sufficient material on record to demonstrate the commission of the offence at the hands of all the applicants and therefore this is not a fit case which needs to be quashed at the pre-evidence stage.

10. I have heard both the learned Advocates and have also considered the entire record which has been placed before me in the nature of charge-sheet. To some extent, the submissions made by the learned Advocate for respondent No.2 are correct. A reading of the FIR as well as the statements of the prosecution witnesses does demonstrate that there are allegations pertaining to mental and physical harassment caused to respondent No.2. There is also a specific allegation of demand of Rs.10 lakhs for the purchase of a car, allegedly made from the parents of respondent No.2. Though these allegations constitute the commission of an offence under

Section 498-A of IPC, the test that is required to be applied is whether these allegations are specifically made against the accused persons or whether they are vaguely made only with an intention of dragging the entire family into the alleged offence. A reading of the FIR as well as the statements does not disclose any specific overt act, specific allegation, or specific incident, with date and time against the present applicants. What is being stated in the FIR is in the nature of vague and general allegations against the entire family and the extended family, wherein it is stated that all the applicants, at one or the other point of time, together used to cause mental and physical harassment to respondent No.2. In absence of any specification or specific attribution of role pertaining to individual acts allegedly committed at a particular time and date, it is absolutely difficult to hold that the applicants are involved in the commission of the offence.

11. The Hon'ble Apex Court in the case of ***Arnesh Kumar v. State of Bihar*** reported in ***(2014) 8 SCC 273***, it was observed as under :

“4. There is phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-A IPC was introduced with avowed object to combat the menace of

harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-A IPC is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In a quite number of cases, bed-ridden grand-fathers and grand-mothers of the husbands, their sisters living abroad for decades are arrested.”

12. Further in case of ***Preeti Gupta and Ors. v. State of Jharkhand and Ors.*** reported in ***(2010) 7 SCC 667***, it has also been observed as under :-

32. It is a matter of common experience that most of these complaints under Section 498A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal

complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of

harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful.”

Hence, the Hon’ble Apex Court, time and again, has cautioned against roping in and involving the entire family and the extended family at the hands of the wife while alleging an offence under Section 498-A. The Hon’ble Apex Court has held that whenever such kind of vague allegations are made against the entire family and the extended family, then the Court should be cautious enough to permit the criminal proceedings to continue against such family members who have been dragged only with a vengeance of harassment. Presently, the present case is of such nature where the allegations are neither specific nor pertaining to

any specific incident disclosing the time and date on which it has been caused. The other factor that sways this Court in favour of cautioning the proceedings against the present applicants is the period during which the harassment has been caused. Respondent No.2 has stated that the marriage was performed between accused No.1- husband and herself on 4th May, 2016 and there is a son born out of the said wedlock. She had continued to reside along with accused No.1 and applicant No.2 till 2020. She thereafter had left the premises of the matrimonial house and proceeded to reside along with her maternal family. Respondent No.2 did not choose to file any complaint from 2020 till 2023, and it is only for the first time in the year 2023, the complaint was submitted to the Office of the Women's Redressal Cell, which subsequently came to be registered as the present FIR. The Court is very cautious while acknowledging and appreciating the delay in 498-A matters for the reason that, in Indian society, a married woman always consumes time with an expectation that her marriage can be saved. However, in the present case, the allegations are immediately after the marriage, i.e. from 2016 and it demonstrates that the family of respondent No.2 had made several attempts of saving the marriage by requesting applicant No.1 and his family members to stop the harassment. In spite of such continuous efforts, when ultimately respondent No.2 had to leave the matrimonial house, then it is

difficult to understand as to what prompted respondent No.2 suddenly in the year 2023 to lodge the present FIR against the entire family and extended family. There is no explanation that has come forward in the FIR or even in the entire charge-sheet.

13. The allegations which has already observed, are general and not specific, but vague. The present application is not on behalf of accused No.1-husband, against whom there are specific allegations found in the FIR and in the investigation papers. The continuation of this proceedings against the present applicants will cause undue agony and harassment to the applicants and therefore, in absence of any specific allegations, this Court is inclined to allow the present application and quash the entire proceedings.

14. In the aforesaid facts and circumstances and for the reasons provided above, the application stands allowed in terms of prayer clause (B), (B-1), and (B-2).

15. The FIR bearing No.271 of 2024, dated 21st June, 2024, registered with Hingoli Rural Police Station, District Hingoli, for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of IPC along with charge-sheet dated 06.02.2025, order of cognizance dated 06.02.2025 passed by the learned JMFC,

Hingoli and consequential R.C.C. No.61 of 2025 pending on the file of the learned JMFC, Hingoli, are hereby quashed and set aside as against applicant Nos.2 to 13.

16. As far as the proceedings in respect of applicant No.1, who is husband of respondent No.2 are concerned, the same shall continue to proceed.

17. The observations made in the present judgment are specific against applicant Nos.2 to 13 and the entire trial and the appreciation of evidence be conducted on its own merits and in accordance with law against the accused husband, and the Trial Court shall not be influenced by any observations that are made in the present judgment.

18. The Criminal Application is disposed of accordingly.

(HITEN S. VENEGAVKAR)
JUDGE