



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3508 OF 2024

1. Ramesh S/o Sukhadev Patange (Father-in-Law)
2. Laxmibai W/o Ramesh Patange (Mother-in-Law)
3. Sachin S/o Ramesh Patange (Son-in-Law)
4. Geetanjali W/o Sachin Patange (Daughter-in-Law)
5. Priya W/o Ketan Aabhag (Sister-in-Law)
6. Samadhan S/o Ramesh Patange (Husband of Complainant)

... Applicants

Versus

1. The State of Maharashtra
2. The Police Sub-Inspector
3. Anushka W/o Samadhan Patange

...Respondents

Ms. M. R. Jamdhale, Advocate for the Applicants

Mr. S. B. Jadhav, APP for the Respondent/State

Mr. J. R. Veer, Advocate for the complainant/Respondent No.3

CORAM : R. M. JOSHI, J.

DATED : 10th SEPTEMBER, 2026

PER COURT :-

1. After hearing learned Counsels for both sides and when this Court has shown its disinclination to grant relief to Applicant No.6-Husband of informant, Learned Counsel for Applicant, on instructions, seeks withdrawal of Application qua Applicant No.6. In this view, proceedings stands dismissed as withdrawn against Applicant No.6.

2. This application filed under section 482 of Code of Criminal

Procedure, 1973, the present Applicants seek quashment of FIR in Crime No. 190/2024 register with Purna Police Station, Dist. Parbhani for offence punishable u/s. 498-A, 323, 504 r/w 34 of Indian Penal Code, 1860

3. It is the case of the prosecution that the marriage of Informant-Anushka Samadhan Patange, was solemnized with Applicant No.6 according to social customs, and a child was born. Within four to five months of the marriage, the present Applicants allegedly began taunting and harassing her on the premise that her parents failed to provide household articles due to the lockdown. To alleviate harassment caused, the informant's father paid an amount of ₹1,00,000/- to the Applicants; however, the funds were squandered, and the harassment continued. It's alleged that informant was subjected to physical abuse and verbal harassment even during her pregnancy, and following her delivery, she was coerced into heavy household work, prompting temporary intervention by her maternal family and local elders.

4. Thereafter, the accused persons allegedly escalated their demands by insisting on an additional sum of ₹2,00,000/- from her father for business purposes and continued ill-treating her upon non-fulfillment of monetary demand. It's further alleged that the situation worsened when the Applicant No.6-husband returned home in an intoxicated state on eve of Holi and assaulted informant. Subsequently, the other Applicants jointly drove the

informant and her minor son out of the matrimonial home. After residing at her maternal home for a year and a half while enduring repeated telephonic abuse, the complainant approached the Bharosa Cell, Parbhani, following which, pursuant to directions from the Superintendent of Police, FIR came to be lodged.

5. Learned counsel for the Applicants submit that Applicants herein are falsely implicated by the informant in order to cause harassment, so also there is delay of almost 18 months in lodging the first information report. To attribute the allegations against the present Applicants of they physically and mentally harassing the Informant as alleged, the prosecution has to show that that is sufficient evidence on record to indicate that the informant has suffered physical and mental abuse at the instance of present Applicants. He drew the attention of the court to the FIR to contend that the allegations against the Applicants are generalized and arbitrary and basis of such vague allegations Applicants cannot be tried. It is further submitted that Applicant No.6-Husband attempted to conciliate with the informant by filing an application dated 26/02/2024 to women's grievance committee, so also proceedings under section 9 of Hindu Marriage Act for restitution of conjugal rights was filed by the Applicant No.6 which shows his genuinity to peacefully reside with informant. He finally submits that all the Applicant Nos.1 to 5 reside separately distant from the matrimonial home and as such

offenses alleged cannot be levelled against them.

6. Learned APP and Learned Counsel for Respondent No. 3 oppose any relief sought by the present Applicants as the FIR clearly shows prima facie case of cruelty under Section 498A of IPC being made out so also perusal of FIR clearly show unlawful monetary demands being made. The attention of the court is drawn to evidence on record to contend that there are specific allegations against Applicants which shows complicity of the Present Petitioners in causing the acts alleged against them. It is further argued that claim of some Applicants living separately does not discharge them from the offence, as they knowingly acted together causing harassment.

7. For the purpose of deciding the present application, a crucial question for consideration is whether the accusations levelled against the Applicants fall under any of the categories as enumerated in the case of ***State of Haryana and others Vs. Bhajan Lal and others, AIR 1992 Supreme Court Cases 335***. The relevant paragraph reads thus :-

“ 102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the

complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code of the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

8. From the record it's undisputed that the marriage between Complainant/Respondent No.3 and Applicant No.6 was solemnised in 2020 as per social customs and rituals and out of the said wedlock a child was born. In order to alleviate the harassment caused, the father of the Complainant allegedly gave Rs.1,00,000 for purchase of household goods. Attempts were made to conciliate between Complainant and Applicant No.6,

and the Complainant returned to her matrimonial home. Thereafter, it's alleged that harassment persisted and as the Complainant/respondent No.3 along with her child was thrown out of her matrimonial Home, she started residing with her parents. Thereafter, on 14/06/2024, FIR came to be registered against the present Applicants pursuant to a complaint made in Bharosa Cell, Parbhani. Thus, there is a rift in conjugal bond respondent No. 3 and Applicant No.6-husband, so also there is a split in cordial relations between respondent No. 3 and Applicant Nos.1 to 5, so also there is a substantial delay in lodging of the FIR as rightly argued by learned counsel for the Applicants.

9. With regards to offence being made out, the prosecution has to show from the evidence on record that prima facie case is made out against the present Applicants as alleged. Bare Perusal of the FIR does not indicate any offence being committed by present Applicant Nos.1 to 5, nor are there any specific allegations being attributed against them of causing mental and physical harassment to the Informant/Respondent No.3. So also further perusal reveals that In Hindu Marriage Petition, a specific plea was raised by the Applicant No.6-Husband of the Complainant about the Complainant/Respondent No.3 staying with him and no written statement was filed by the informant in the said proceeding denying the said contention. Order dated 05/07/2025 passed in HMP No.227/2024 indicates

that the application for restitution of conjugal rights came to be allowed in absence of Respondent No. 3 which indicates the allegation levelled being substanceless.

10. Further perusal of the record shows that all of the Applicants Nos. 1 to 5 are residing separately distant from the matrimonial home of Respondent No.3 and there are no specific, but generalized, omnibus and arbitrary allegations against them of causing mental and physical harassment, so also throwing her out of her matrimonial home along with her child.

11. At this stage, it would be relevant to refer to the judgments of the Hon'ble Supreme Court in case of *Geeta Mehrotra v. State of U.P., (2012) 10 SCC 741*, *Preeti Gupta & Anr. v. State of Jharkhand, (2010) 7 SCC 667*, *Kahkashan Kausar v. State of Bihar, (2022) 6 SCC 599* which states that relatives which are residing separately cannot be forced to face trial under Section 498A of IPC based on vague and sweeping allegations.

12. The allegations levelled against Applicants lack specific overt acts and details of physical and mental cruelty being caused indicating allegations being purely Omnibus and made in order to bring the Applicant Nos. 1 to 5 in the sweep of the present crime lodged only because they are related to Applicant No.6-Husband of Complainant. Prima facie this court is of the view that involvement of the Applicant Nos. 1 to 5 is done with malafide intentions. The aforesaid accusations, even if taken at face value and

accepted in their entirety, do not constitute any offence in view of guidelines enumerated in the judgment of Hon'ble Apex in ***Bhajan Lal (Supra)***.

13. In view of the above discussion, the proceedings against the Applicant Nos. 1 to 5 needs to be quashed and set aside to prevent the abuse of courts process and to protect their rights.

14. Hence, the application stands allowed in terms of prayer clause “C”.

(R. M. JOSHI, J.)

Malani