

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 515 OF 2026

1. Firoj Nuruddin Sanadi
Age : 35 years, Occu.: Service,
2. Nuruddin Ali Sanadi
Age : 66 years, Occu.: Farmer,
3. Minaj Nuruddin Sanadi
Age : 45 years, Occu.: Homemaker,
All R/o 298, Vitthal Chowk, Mouje Sangaon,
Tq. Kagal, Dist. Kolhapur

..PETITIONERS

VERSUS

1. State of Maharashtra
Through – Rajarampuri Police Station
2. Farheen Firoj Sanadi
Age: 34 years, Occu.: Nil,
R/o Mali Colony, Takala, Kolhapur

..RESPONDENTS

WITH WRIT PETITION NO. 514 OF 2026

Khadija Nuruddin Sanadi
Age : 30 years, Occu.: Advocacy,
R/o 298, Vitthal Chowk, Mouje Sangaon,
Tq. Kagal, Dist. Kolhapur

..PETITIONER

VERSUS

1. State of Maharashtra
Through – Rajarampuri Police Station
2. Farheen Firoj Sanadi
Age: 34 years, Occu.: Nil,
R/o Mali Colony, Takala, Kolhapur

..RESPONDENTS

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Mr. A.S. Raktade, a/w Mr. S.V. Patil, Advocate for petitioners
Mrs. P.S. Rane, A.P.P. for respondent no.1 – State
Mr. Y.S. Joshi, Advocate for respondent no. 2
Mr. P.P. Avade, P.H.C., Rajarampuri Police Station

CORAM : ABHAY J. MANTRI, J.
DATE : 03rd SEPTEMBER, 2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith and heard finally with the consent of learned counsel for the parties and learned A.P.P. for the State at the stage of admission. Perused the record.

2. The petitioner/s invoked the inherent jurisdiction of this Court to quash the First Information Report, bearing No. 365 of 2026 dated 15th June, 2026, registered against them with Rajarampuri Police Station, Dist. Kolhapur (for short '**F.I.R.**') for the offences punishable under Sections 85, 115(2) and 352 of the Bharatiya Nyaya Sanhita, 2023 (for short '**B.N.S.**'), have preferred these petitions.

3. In **Writ Petition No. 515 of 2026**, Petitioner No.1 is the husband of Respondent No. 2 – informant. Petitioner Nos. 2 (Father-in-law) and 3 (Mother-in-law) in **Writ Petition No. 515 of 2026** and sole Petitioner (Sister-in-law) in **Writ Petition No. 514 of 2026** are the in-laws of Respondent No. 2 – informant.

4. It is pertinent to note that during the course of the argument, learned counsel for the Petitioners, on instructions, seeks leave to withdraw Writ Petition (No. 515 of 2026) to the extent of Petitioner No.1 - Firoj Nuruddin Sanadi. His statement is accepted.

5. In view of the statement, *Writ Petition No. 515 of 2026 stands partly dismissed as withdrawn to the extent of Petitioner No. 1 - Firoj Nuruddin Sanadi.*

6. Concisely, facts of the case are as under :-

On 15th June, 2026, Respondent No. 2 lodged a report against the Petitioner/s alleging that they have subjected her to cruelty on account of demand of dowry, as well as her husband beating her with a stick on account of demand of dowry. When she made complaints to her parents-in-law, they ignored them and asked her to resolve it among themselves. For other reasons also, her husband used to abuse and beat her. Based on her complaint, the above-stated offence was registered against the Petitioners. Being aggrieved by the same, the Petitioners have preferred these petitions.

7. Undisputedly, the Petitioner husband and Respondent No. 2 wife were residing separately at Pune, and Respondent No. 2 was not residing with her in-laws. So, prima facie, a question of harassment or Cruelty at the hands of the in-laws does not arise. But their false implication in a matrimonial discord cannot be ruled out.

8. Learned A.P.P. submitted that during the pendency of these petitions, yesterday, i.e. on 02nd September, 2026, the Investigating Officer has filed the charge-sheet.

9. Learned counsel for the Petitioners vehemently argued that except against the husband, no allegations appear against the in-laws of Respondent No. 2 to attract the ingredients of Section 85 of B. N. S. He further canvassed that they

have been falsely implicated in the present crime to harass them and pressurise the husband. Therefore, he urged for quashing of the F.I.R. as well as the charge-sheet filed against the in-laws.

10. On the other hand, learned counsel for Respondent No. 2 – informant, despite granting an opportunity, failed to point out any specific allegation against the in-laws which constitutes an offence punishable under Section 85 of the B.N.S. He has only pointed out allegations against the husband.

11. Similarly, learned A.P.P., during the arguments, tried to place on record the supplementary statement of Respondent No. 2 – informant, which the Investigating Officer recorded on the same day on which he recorded the F.I.R., i.e. on 15th June, 2026. Perusal of the said supplementary statement appears to be more detailed than the F.I.R. The same is found inconsistent with the F.I.R.

12. On a query put to learned A.P.P. whether the Investigating Officer has taken an entry about recording of the said supplementary statement in the station diary, on instructions from the Investigating Officer, who is present in the Court, she submitted that he has not taken a station diary entry regarding recording of the said supplementary statement of the informant. Moreover, no time is mentioned for recording the said supplementary statement. Therefore, it cannot be taken into consideration on that ground alone. The very fact itself casts doubt on the Investigating Officer's recording of the supplementary statement on the same day.

13. Even considering the said supplementary statement, prima facie it does not reveal that she made any specific allegations against the in-laws which attract ingredients of offence punishable under Section 85 of the B.N.S. Therefore, the said supplementary statement is also hardly of any assistance to the prosecution in support of its contention.

14. It is pertinent to note that the Hon'ble Supreme Court, in catena of the judgments, i.e. *Dara Lakshmi Narayanna & Ors. Vs. State of Telangana & Anr.*¹, *Geeta Mehrotra & Anr. Vs. State of U.P. & Anr.*² and *Kahkashan Kausar @ Sonam & Ors. Vs. State of Bihar & Ors.*³ have time and again held that if the contents of the F.I.R. do not disclose specific allegations against the in-laws of the wife to make them liable for bickering between respondent No.2 and her husband, except the casual reference of their names, so also, by merely making the general allegations that they involved for physical and mental torture of the informant/Respondant No. 2 without any allegation of their active involvement or mentioning the single incident against them, in such an eventuality, it cannot constitute an offence punishable under Section 85 of the B.N.S.

15. In the case at hand, bare perusal of the F.I.R. and the supplementary statement, which the learned A.P.P. produced before the Court, prima facie does not disclose that the specific allegations against the in-laws attract the ingredients of Section 85 of the B.N.S. On the contrary, the allegations against the in-laws

1 2024 SCC OnLine SC 3682

2 2012 (10) SCC 741

3 (2022) 6 SCC 599

appear vague and general. No specific allegation appears against the in-laws, nor is any role attributed to them in the F.I.R. or the supplementary statement recorded by the informant.

16. In the light of aforesaid discussion and the law laid down by the Hon'ble Supreme Court as referred above, in my view, it would not be appropriate to continue the proceedings before the learned Magistrate against the in-laws. The continuation of proceedings against them would result in an abuse of the process of law and would not serve the ends of justice. In consequence, it would be appropriate, in exercise of power under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to quash and set aside the F.I.R. and filing of charge-sheet pursuant to the same, in so far as the in-laws are concerned, i.e. Petitioner Nos. 2 and 3 in Writ Petition No. 515 of 2026 and sole Petitioner in Writ Petition No. 514 of 2026.

17. As a result, **Writ Petition No. 515 of 2026 is partly allowed to the extent of Petitioner Nos. 2 and 3, i.e. Nuruddin Ali Sanadi and Minaj Nuruddin Sanadi, respectively, and dismissed as withdrawn against Petitioner No.1 - Firoj Nuruddin Sanadi.**

And

Writ Petition No. 514 of 2026 is allowed, in terms of prayer clause (A).

18. Accordingly, First Information Report No. 365 of 2026, dated 15th June, 2026, registered with Rajarampuri Police Station, Dist. Kolhapur for the

offences punishable under Sections 85, 115(2) and 352 of the B.N.S. and the charge-sheet filed pursuant to the same stands quashed to the extent of the in-laws.

19. Inform the learned Trial Court accordingly.

20. **The Rule is made partly absolute in the above terms.**

SSD

SUSHANT
SHARAYU
DESHPANDE

(ABHAY J. MANTRI, J.)

Digitally signed by
SUSHANT SHARAYU
DESHPANDE
Date: 2026.09.04
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