

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1063 OF 2019**

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1. Archana Sudhir Patil]
Age: 40 years, Occ: Govt. Servant]
R/o. R.L. 190, G Block, MIDC,]
Sambhaji Nagar, Near Birds Villa]
Garden, Chinchwad, Pune – 411 029]
2. Smita Manohar Nikam]
Age: 42 years, Occ: Doctor,]
R/o, R.K. Nagar, Kolhapur,]
Tal. Karveer, District: Kolhapur]
3. Pranali Vinayak Salunkhe]
Age: 33 years, Occ: Housewife,]
R/o. 934, Krishna Niwas,]
Gaonbhag, Sangli, Tal. Miraj,]
District: Sangli]
4. Jyoti Vinay Pawar]
Age: 36 Years, Occ: Teacher,]
R/o. Killa Bhag, Near Tahsildar]
Miraj, Tal. Miraj, Dist: Sangli]

Applicants
(Org. Accused Nos.8 to 11)

versus

1. The State of Maharashtra]
Through Senior Police Inspector]
Radhanagari Police Station,]
District: Kolhapur]
(C.R. No.0069 of 2019)]
2. Subhangi Ajit Khorate]
Age:35 years, Occ: Housewife,]
R/o. Kalamba, Karveer,]
District: Kolhapur]

Respondents

.....
Mr. Kuldeep Nikam a/w Mr. Pratik Patil, Advocates for Applicants.
Mr. Pankaj P. Deokar, A.P.P, for Respondent No.1 – State.
Mr. Rahul P. Walvekar a/w Mr. Kunal Nalawade, Advocate for Respondent No.2.
.....

CORAM : ABHAY J. MANTRI, J.
DATE : SEPTEMBER 11, 2026

ORAL JUDGMENT :

1. Learned Advocate for the Applicants seeks leave to amend the prayer clause, as the charge-sheet has already been filed in the present case.
2. Leave as prayed for is granted to amend the prayer clause. Amendment to be carried out forthwith.
3. The Applicants have invoked the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 (for short, “**Cr.P.C.**”), to seek quashing of the First Information Report (for short, “**F.I.R.**”) bearing C.R. No. 69 of 2019 registered on 21st March, 2019 with Radhanagari Police Station, District Kolhapur, for the offences punishable under Sections 498-A, 354-A, 354-B and 504 read with Section 34 of the Indian Penal Code, 1860 (for short, “**I.P.C.**”), Charge-sheet No.100 of 2019 and Regular Criminal Case No.77 of 2019 pending before the learned Judicial Magistrate First Class, Radhanagari. (for short, the “**learned Magistrate**”).

4. Heard learned Advocate for the Applicants, learned A.P.P. for Respondent No.1 – State and learned Advocate for Respondent No. 2 and perused the record.

5. It appears that by order dated 28th March, 2023, the Application has been '**Admitted**' and interim relief granted by order dated 10th January, 2022 was continued.

6. On 21st March, 2019, an F.I.R. was lodged against the Applicants and other accused, alleging that the Applicants, along with the co-accused, subjected Respondent No.2 to cruelty on account of demand for dowry. It is further alleged that, in the years 2015 and 2018, the Applicants abused the first informant in filthy language and assaulted her.

7. Based on the aforesaid F.I.R., an offence came to be registered against the Applicants and other accused for the offences punishable under Sections 498-A, 354-A, 354-B and 504 read with Section 34 of the I.P.C.

8. Feeling aggrieved by the registration of the said F.I.R., the Applicants have preferred this Application seeking quashing of the same.

9. It is pertinent to note that the Applicants are the cousin sisters-in-law of Respondent No.2. The marriages of Applicant Nos.1 and 2 were solemnised before the marriage of Respondent No.2 with Ajit Khorate (Accused No.1), which took place on 10th June 2006. The marriage of Applicant No. 4 was also solemnised on the very same day. Applicant No.3

married in 2011. Thus, it is evident that the Applicants were already married and residing separately even before the marriage of Respondent No. 2, except Applicant No. 3, whose marriage was solemnised subsequently in 2011. There are no specific and individual allegations against any of the Applicants attributing to them causing cruelty or harassment meted out to Respondent No. 2 in connection with demand for dowry.

10. Upon perusal of the record, *prima facie*, it appears that the allegations against the Applicants are vague, general and omnibus in nature. There are no specific allegations against the Applicants showing that they subjected Respondent No.2 to cruelty on account of demand for dowry. There is also no specific allegation as to what act was committed by the Applicants against Respondent No.2 or in what manner they harassed her.

11. The allegations against the Applicants are from the years 2015 and 2018. However, the F.I.R. does not denote any specific incident or attribute any specific role to the Applicants. It is undisputed that the Applicants reside separately with their respective husbands. Nothing has been placed on record to show that during the years 2015 or 2018, the Applicants had abused or assaulted Respondent No.2. Furthermore, Respondent No.2 has not stated any specific incident of harassment allegedly caused by the Applicants. The statements of the witnesses recorded during the investigation also do not indicate any specific incident or any particular

role played by the Applicants. No independent witness has stated that the Applicants were involved in the alleged offence.

12. On perusal of the statements of the witnesses, it appears that they do not disclose any specific incident of harassment at the hands of the Applicants. The statements appear vague, general, and stereotypical. Therefore, *prima facie*, the said statements do not inspire confidence to demonstrate that they were involved in the present crime.

13. Having considered the rival contentions of the learned Advocates for the parties and gone through the record, I would like to reproduce the law laid down by the Hon'ble Supreme Court in the following judgments.

- (i) ***Geeta Mehrotra and another versus State of U.P and another***¹,
- (ii) ***Kahkashan Kausar alias Sonam and others versus State of Bihar and others***,²
- (iii) ***Dara Lakshmi Narayana & others versus State of Telangana & Another***,³

14. In ***Geeta Mehrotra and another (supra)***, the Hon'ble Supreme Court has categorically observed that:

"if the contents of the first information report did not disclose specific allegations against the brother and sister of the complainant's husband to make them liable, for bickering between non- applicant No. 2 and her husband, except the casual reference of their names, it would not be just to direct them to go through the protracting procedure, so also by merely making the general allegation that they

1 2012 (10) SCC 741

2 (2022) 6 SCC 599

3 2024 SCC OnLine SC 3682

were involved for physical and mental torture of the complainant without any allegation of their active involvement or mentioning the single incident against them as also the fact as to how they could be motivated the demand of dowry when they are only related to husband as brother or sister, and therefore, quashed the proceedings against them."

(Emphasis supplied)

15. In addition, in ***Kahkashan Kausar @ Sonam and Others***, (supra), the Hon'ble Apex Court has held that:

"The Courts should be careful in the proceedings against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths and must keep in mind that relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out."

It is further observed that "the ultimate object of justice is to find out the truth, punish the guilty, and protect the innocent. To find out the truth is a herculean task in the majority of these complaints. The tendency to implicate the husband and all his inmate's/immediate relations is also not uncommon. At times, even in the conclusions of a 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 consider pragmatic realities while dealing with matrimonial cases. The allegations of the harassment of the husband's close relations, who had been living in different cities and never visited or rarely 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."

16. The Hon'ble Supreme Court in the case of ***Dara Lakshmi Narayana & others*** (supra) after considering the parameters laid down in the decision in "***Bhajanlal's Case***" and other various decisions of the Hon'ble Supreme Court, has observed that:

"A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement, should be nipped in the bud. It is a well-recognized fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of matrimonial discord. Such generalized and sweeping accusations unsupported by concrete evidence or particularized allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessarily harassing innocent family members.

(Emphasis Supplied)

17. Upon a bare perusal of the law laid down by the Hon'ble Supreme Court in the aforesaid three judgments, it is evident that the case at hand is squarely covered by the said decisions. The ratio laid down therein is, therefore, applicable to the case at hand.

18. In view of the law laid down by the Hon'ble Supreme Court, in my view, it would not be appropriate to permit the proceedings before the learned Trial Court to continue against the Applicants. Continuing the proceedings against the Applicants would amount to an abuse of the process of law and would not serve the ends of justice. It would, therefore, be appropriate to exercise the inherent powers under Section 482 of the Cr.P.C. to quash the said F.I.R. as well as the criminal proceedings arising therefrom and pending before the learned Trial Court.

19. ***Consequently, the Application is allowed in terms of prayer clause***

(a), which reads thus;

a) That this Hon'ble Court may be pleased to quash and set aside the FIR No. 0069 of 2019 registered against the Applicants by the present Respondent No. 2 on 21/03/2019 with Radhnagari Police Station, District: Kolhapur under the provisions of Section 498-A, 354-A, 354-B, 504 r/w. 34 of I.P.C. along with the chargesheet bearing No. 100/2019 as well as Regular Criminal Case No.77 of 2019 arising out of the same qua the Applicants.

20. **The Rule is made absolute. No order as to costs.**

21. Inform the concerned court accordingly.

22. The Application is disposed of.

(ABHAY J. MANTRI, J.)