



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

**CRIMINAL APPLICATION NO.825 OF 2023**

- 1) Suryakant S/o Sangamnath Bhalke,  
(Husband of Informant),  
Age-33 years, Occu:Private Service,  
R/o-Rukmini Niwas, Farade Nagar,  
Near Mahalaxmi Mandir, Taroda (Bk),  
Nanded, Taluka and District-Nanded,
- 2) Rukmini W/o Sangamnath Bhalke,  
(Mother-in-law of Informant),  
Age-70 years, Occu:Household,  
R/o-Rukmini Niwas, Farade Nagar,  
Near Mahalaxmi Mandir, Taroda (Bk),  
Nanded, Taluka and District-Nanded,
- 3) Sangamnath S/o Munjappa Bhalke,  
(Father-in-law of Informant),  
Age-75 years, Occu:Household,  
R/o-Rukmini Niwas, Farade Nagar,  
Near Mahalaxmi Mandir, Taroda (Bk),  
Nanded, Taluka and District-Nanded,
- 4) Pooja W/o Milind Kagale,  
(Sister-in-law of Informant),  
Age-30 years, Occu:Housewife,  
R/o-Nisarg Kiran Society,  
Kalewadi Phata, Pimpri-Chinchwad,  
Pune-411017.

**...APPLICANTS**

**VERSUS**

- 1) The State of Maharashtra,  
Through Basmat City Police Station,  
District-Hingoli,

2) Monika W/o Suryakant Bhalke,  
Age-31 years, Occu:Doctor,  
At present R/o-Bank Colony,  
Basmat, Taluka-Basmat,  
District-Hingoli.

...RESPONDENTS

...  
Mr. Amol B. Jagtap Advocate for Applicants.  
Mr. S.A. Gaikwad, A.P.P. for Respondent No.1.  
Mr. P.S. Dikle Advocate for Respondent No.2.  
...

**CORAM: SMT. VIBHA KANKANWADI AND  
ROHIT W. JOSHI, JJ.**

**DATE : 27<sup>th</sup> MARCH, 2025**

**ORDER [PER SMT. VIBHA KANKANWADI, J.] :**

1. Present Application has been filed under Section 482 of the Code of Criminal Procedure, initially for quashing the First Information Report (for short "the FIR") vide Crime No. 56 of 2023 registered with Basmat City Police Station, Basmat, District-Hingoli for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, and by way of amendment for quashing the charge-sheet No. 1984600723005601 of 2023 and consequential proceedings arising out of the same, pending before the learned Judicial Magistrate First Class, Basmatnagar, District-Hingoli.

2. Heard learned Advocate Mr. Jagtap for the applicants, learned APP Mr. Gaikwad for respondent No.1 and learned Advocate Mr. Dikle for respondent No.2.

3. Learned Advocate for the applicants has taken us through the entire charge-sheet including the FIR and he submits that the applicants are the husband, mother-in-law, father-in-law and sister-in-law who have been falsely implicated. The allegations are vague and omnibus and the outcome of the petition filed by applicant No.1 for divorce against respondent No.2 before the Family Court, Nanded. The statements of the witnesses are stereotype and based upon the information that was supplied by respondent No.2 and therefore, it would be unjust to ask the applicants to face the trial.

4. Learned Advocate for the applicants relies on the decision in *Geddam Jhansi and another vs. State of Telangana and others, 2025 SCC OnLine SC 263*, wherein in Para No.35, it has been observed thus:-

" 35. We are, thus, of the view that in criminal cases relating to domestic violence, the complaints and charges should be specific, as far as possible, as against each and every member of the family who are accused of such offences and

sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process by indiscriminately dragging all the members of the family. There may be situations where some of the family members or relatives may turn a blind eye to the violence or harassment perpetrated to the victim, and may not extend any helping hand to the victim, which does not necessarily mean that they are also perpetrators of domestic violence, unless the circumstances clearly indicate their involvement and instigation. Hence, implicating all such relatives without making specific allegations and attributing offending acts to them and proceeding against them without prima facie evidence that they were complicit and had actively collaborated with the perpetrators of domestic violence, would amount to abuse of the process of law."

5. Learned Advocate for the applicants further relies on the decision of the Co-ordinate Bench of this Court in ***Smt. Vrushali Jayesh Kore vs. the State of Maharashtra and another (Criminal Application No.1122 of 2021, decided on 7<sup>th</sup> January 2023***, wherein the decision of the Hon'ble Apex Court in ***Kahkashan Kausar alias Sonam and others vs. State of Bihar and others, (2022) 6 SCC 599*** was considered. Learned Advocate further relies on the decision in ***Payal Sharma vs. State of Punjab and another, 2024 SCC OnLine SC 3473***, wherein in Para No.20, it has been observed thus:-

"20. The decisions referred above on the subject of exercise of power under Section 482, Cr.P.C., would undoubtedly cast

a duty on the Courts to consider the contentions that there is lack of specific allegations against the accused concerned to constitute the offence(s) alleged against a relative or that the implication was nothing but an over implication to pressurise the family of the husband to yield to the demands. The Courts cannot refrain from discharging the obligation to consider such contentions. It appears that in the case on hand despite raising of specific contentions which require deeper consideration, may be taking note of the submissions made on behalf of the complainant that the challan was presented and the matter stood listed for framing charges and hence, it would be open to accused No.5 to raise all plea at the time of framing of the charges, the Court refrained itself from considering the contentions raised against accused No.5. "

6. Per contra, leaned APP as well as learned Advocate for respondent No.2 strongly opposed the application and submits that there is sufficient evidence against all the applicants. Specific acts have been attributed to each of the accused and therefore, this is not a fit case where this Court should exercise its powers under Section 482 of the Code of Criminal Procedure.

7. At the outset, it is to be noted that in ***Geddani Jhansi and another vs. State of Telangana and others***, (supra), the Hon'ble Supreme Court in Paragraph Nos. 31, 32 and 33 has made more observations and therefore, we are also required to consider

those observations also, especially the observations in Paragraph No.32, which runs thus:-

" 32. We have to keep in mind that in the context of matrimonial disputes, emotions run high, and as such in the complaints filed alleging harassment or domestic violence, there may be a tendency to implicate other members of the family who do not come to the rescue of the complainant or remain mute spectators to any alleged incident of harassment, which in our view cannot by itself constitute a criminal act without there being specific acts attributed to them. Further, when tempers run high and relationships turn bitter, there is also a propensity to exaggerate the allegations, which does not necessarily mean that such domestic disputes should be given the colour of criminality."

8. In Paragraph No.36 in *Geddam Jhansi and another vs. State of Telangana and others*, (supra), it is stated that the observations of the Hon'ble Supreme Court should not be generalized to mean that relatives cannot be brought under the purview of the aforesaid penal provisions when they have actively participated in inflicting cruelty on the daughter-in-law/victim. What needs to be assessed is whether such allegations are genuine with specific criminal role assigned to such members of the family or whether it is merely a spill over and side-effect of a matrimonial discord and allegations made by an emotionally disturbed person. Each and every case

of domestic violence will thus depend on the peculiar facts obtaining in each case. Therefore, the facts of present case are required to be considered.

9. The fact which is not in dispute is that respondent No.2 got married on 20<sup>th</sup> November 2021 and thereafter she went for cohabitation with applicant No.1 at Nanded. As stated above, applicant No.1 is the husband, applicant Nos. 2 and 3 are mother-in-law, father-in-law and applicant No.4 is the married sister-in-law, whose marriage has taken place prior to the marriage between applicant No.1 and respondent No.2, who resides at Pune. For what purpose applicant No.4 used to be in her parental home all the time, has not been explained by the informant in her FIR. She states that for about fifteen days she was treated properly but thereafter the husband started complaining that her parents have not given any utensils, gifts which were usually given at the time of marriage. On the same point, applicant No.3 started harassing her. When the informant told that her parents have not left any problem or shortcomings in the marriage, at that time applicant No.1 rushed towards the informant, he gagged her mouth and pushed her from the staircase. When she had informed the said fact to her parents,

they gave her advise. According to the informant, then the husband and the father-in-law started demanding an amount of Rs.15,00,000/- to be brought from her parents. For that purpose, she was harassed mentally and abuses were given. She had made request to her husband for many times but he was not in a position to listen. Applicant No.4 then told it on phone that if the husband and wife i.e. applicant No.1 and respondent No.2 are not keeping good relations then respondent No.2 should give divorce to applicant No.1 and then applicant No.4 used to instigate applicant No.1. On 6<sup>th</sup> March 2022, informant was driven out of the house. No doubt the duration appears to be small i.e. from 20<sup>th</sup> November 2021 to 6<sup>th</sup> March 2022, but the treatment that was given needs to be considered.

10. Certainly, applicant No.1, who is the husband, was duty bound to consider the mental condition of the girl who had come from another family and was yet to adjust herself in the new environment and it appears that he has even filed Petition for divorce on 3<sup>rd</sup> December 2022. Therefore, there appears to be *prima facie* evidence against applicant No.1 and therefore, we are not inclined to grant any relief under Section 482 of the Code of Criminal Procedure, against applicant No.1.

11. As regards the other applicants are concerned i.e. applicant Nos. 2 to 4, the allegations are vague and the married sister-in-law has been unnecessarily roped. Hence, this is a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure in favour of applicant Nos.2 to 4. Hence, the following order:-

### **ORDER**

(I) The Application stands partly allowed.

(II) The Application stands rejected as against applicant No.1 - Suryakant S/o Sangamnath Bhalke.

(III) The Application stands allowed as against applicant Nos. 2 to 4.

(IV) The charge-sheet No. 1984600723005601 of 2023 and consequential proceedings, pending before the learned Judicial Magistrate First Class, Basmatnagar, District-Hingoli, arising out of the First Information Report vide Crime No. 56 of 2023 registered with Basmat City Police Station, Basmat, District-Hingoli for the offence punishable under Sections 498-A, 323, 504, 506 read with

Section 34 of the Indian Penal Code, stands quashed and set aside as against applicant Nos. 2 to 4 i.e. - 2) Rukmini W/o Sangamnath Bhalke, 3) Sangamnath S/o Munjappa Bhalke and 4) Pooja W/o Milind Kagale.

**[ROHIT W. JOSHI]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**

asb/APR25