



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1246 OF 2025

1. Bharat Dhondiba Murkute,
Age : 42 Years, Occupation : Agriculture,
R/o. Ramnagar Vadargalli,
Tq. Ashti, Dist. Beed.
Maternal Uncle of the husband of the complainant
2. Rupali Bharat Murkute,
Age : 38 Years, Occupation : Teacher,
R/o. Ramnagar Vadargalli,
Tq. Ashti, Dist. Beed.
Maternal Aunt of the husband of the complainant

...APPLICANTS

VERSUS

Payal Kalpesh Kusar,
Age : 19 Years, Occu ; Nil,
R/o. Jawai Nagar, Kukkadwedhe Road,
Wambori, Tq. Rahuri, Dist. Ahmednagar
At present, Pandharinath Bhoju Dhanwade
R/o. Bhenda (Khurd), Tq. Newasa,
Dist. Ahmednagar

...RESPONDENT

Mr. Prathviraj A. Dhakane h/f Mr. Shekade Shashikant E, Advocate for the Applicants.

CORAM : ABHAY J. MANTRI, J.
DATE : DECEMBER 24, 2025

ORAL JUDGMENT :

1. Head learned counsel for the applicants. Perused the record.
2. The applicants, i.e. the original accused Nos . 5 and 6, have invoked the inherent jurisdiction of this Court to quash and set aside the proceedings bearing R.C.C. No.459 of 2024 pending before the learned

Judicial Magistrate First Class, Newasa, Dist. Ahmednagar for the offences punishable under Sections 498, 496, read with Section 34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961.

3. It is pertinent to note that on 11th August 2025, Ms S. G. Sonawane, learned counsel, appeared on behalf of the respondent. On 17th December 2025, after hearing the learned counsel for the parties, when a query was put to the learned counsel for the respondent, she, on instructions, submitted that *“the respondent is ready to withdraw the complaint filed against the present applicants before the learned Magistrate on or before 22nd December 2025 and would file a copy thereof before the Court”*. However, today none appears for the respondent despite the said statement, nor has any pursis been filed before this Court.

4. In view of the above, I have gone through the record, the complaint and verification statements of the complainant – Payal, her father – Ashok, and the uncle of the complainant – Gorakshnath, as well as the impugned order dated 23rd August 2024 passed by the learned Magistrate below Exhibit 1 for issuance of process against accused Nos. 1 to 6.

5. The allegations in the complaint against the applicants appear to be vague and omnibus, and no specific instances of harassment or cruelty are averred against them. Similarly, in her verification statement, the complainant has not alleged any wrongdoing against the applicants, except that they are her maternal in-laws. The father of the respondent, Ashok and

her Uncle, Gorakshnath, have also not made any allegations against the applicants to attract the provisions of Sections 498 and 496. However, the learned Magistrate failed to consider the said verification statements in their proper perspective and erred in issuing process against the accused persons, including the applicants herein, in the absence of any specific averments in the complaint or verification statements attributing cruelty or any other offence caused by the applicants against the respondent.

6. Apart from that, nothing has been brought on record to demonstrate that the applicants are involved in the present crime, nor do any allegations appear against them to attract offences as described therein. Even if the averments in the application are taken at face value, they do not disclose any specific instance of alleged misconduct by the applicants against the respondent. Mere general and omnibus allegations that the applicants were also involved in crime are insufficient to force them to undergo trial. In the absence of any specific role attributed to the applicants to attract the ingredients of sections 498, 496 read with Section 34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961, compelling the applicants to face the tribulations of the trial would be unjust and amount to an abuse of process of law. Accordingly, in my view, it would be unfair to compel the applicants to undergo the anguish of the trial.

7. On the contrary, it appears that, with an intention to harass and pressurize the husband, the respondent has unnecessarily arrayed applicants

as accused, despite there being no specific role attributed in subjecting her to cruelty. Therefore, in my view, it would not be proper to continue the said proceedings against the present applicants.

8. As a result, the application is partly allowed in terms of prayer clause (c) to the extent of the applicants only. No order as to costs.

9. Inform the learned Magistrate accordingly.

(ABHAY J. MANTRI, J.)