



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO.834/2025

Sau. Lalita W/o. Rajendra Waghale.
aged 38 years old, Occ. Housewife, R/o.
202. Hind Nagar. Ward No. 37. Tahsil -
Dist. Wardha. Pin code. 442001.
Maharashtra.

... APPLICANT

...VERSUS...

1. State of Maharashtra, through
Police Station Officer. Yavatmal
Police Station, Tal-Dist. Yavatmal.
445001. Maharashtra
2. Sau. Mayuri W/o. Shubham.
Waghale, Aged 39 years. Occup.
Housewife. Advocate R/o. C/o.
Ram Bapuraoji Dafale. 40. PO
Bhiluksa (Borgaon). Tahsil-
Babhulgaon. Dist. Yavatmal. Pin
Code. 445001, Maharashtra.

...NON-APPLICANTS

Shri S.A. Dupare, Advocate h/f for applicant
Ms S.S. Dhote, APP for non-applicant No.1/State
Ms Ayushi Dangre, Advocate (Appointed) for non-applicant No.2

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.

DATED : 05.12.2025

ORAL JUDGMENT (PER : URMILA JOSHI-PHALKE , J.)

Heard. **Admit.** Heard finally with the consent of learned Counsel for the parties.

2. The present application is preferred by the applicant, who is the mother-in-law of the informant, for quashing the First Information Report in connection with Crime No. 0846/2024, registered with Police Station Babhulgaon, District Yavatmal, for offences punishable under Sections 85, 86, and 3(5) of the Bhartiya Nyaya Sanhita, 2023, as also Charge-sheet No. 15/2025

3. The applicant is the mother-in-law. The crime has been registered against her and the other co-accused on the basis of a report lodged by Mayuri Shubham Waghale, i.e., non-applicant No. 2, alleging that her marriage was performed with the other co-accused, Shubham Rajendra Waghale, on 28/04/2024. After the marriage, she resumed cohabitation at the house of the present applicant and her son. However, within a few days of the marriage, she was subjected to ill-treatment at the hands of the co-accused.

She specifically stated that the co-accused used to insult her relatives and that he was not taking interest in any type of relationship. It was further alleged that he also abused and assaulted her physically and mentally, subjected her to cruelty, took away her ornaments, and demanded an amount of Rs. 1,00,000/-. Therefore, she was constrained to leave the matrimonial house. On the basis of the said report, the police have registered the crime against the applicant and the other co-accused.

4. Heard learned Counsel for the applicants, who submitted that the entire First Information Report nowhere refers to any specific act as far as the present applicant, the mother-in-law, is concerned. He invited our attention to two lines of the First Information Report and submitted that only those two lines state that, as she received the notice from the advocate of the other co-accused, she is filing the complaint against both the applicants. Except for this, there is no reference regarding the present applicant.

5. He submitted that, even accepting the allegations as they are, no *prima facie* case is made out against the present applicant, as

there is no specific allegation, no specific instances are narrated, and merely because she is the mother of the other co-accused, she has been implicated in the alleged offence. He submitted that, considering the nature of the allegations against the present applicant, the application deserves to be allowed.

6. Per contra, learned Additional Public Prosecutor strongly opposed the application and submitted that, considering the subsequent statement of the informant and the statement of the neighbour, a *prima facie* case is made out against the applicant, and therefore, the application deserves to be rejected.

7. Learned Counsel for non-applicant No. 2 reiterated the said contentions and invited our attention to the subsequent statement of the informant as well as the statement of the neighbour, and submitted that these statements sufficiently show that the present applicant was also involved in subjecting non-applicant No. 2 to ill-treatment. In view of this, the application deserves to be rejected.

8. On hearing both sides and on perusal of the entire

investigation papers, it is revealed that, in the First Information Report, except for the reference that she filed the complaint against both the applicants as she had received the notice, there is no other reference regarding any act of the present applicant. Her subsequent statement was recorded by the Investigating Officer after 4–5 days of lodging the First Information Report, wherein she narrated some instances regarding the present applicant, which are also general in nature. No specific instances have been narrated by the informant as far as the acts of the present applicant are concerned. The entire charge-sheet nowhere discloses what type of instigation was on the part of the present applicant alleged ill-treatment is concerned. It further reveals that even the statement of the neighbour nowhere discloses the nature of the ill-treatment at the hands of the present applicant. Thus, considering the fact that the charge-sheet only shows omnibus and stereotyped allegations against the present applicant, the application deserves to be allowed.

9. Now it is settled by the Hon'ble Apex Court that, as far as the involvement of other family members of the husband is concerned,

they should not be unnecessarily implicated. In the case of ***Dara Lakshmi Narayana Vs. State of Telangane, MANU/SC/1309/2024***, has made it clear that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.

10. Considering the law laid down by the Hon'ble Apex Court and the facts and circumstances of this case, it is admitted that the allegations made against the present applicant are general in nature and no *prima facie* case is made out. In view of this, the application

deserves to be allowed. Accordingly, we proceed to pass the following order:

ORDER

- i) Application is allowed.
- ii) The First Information Report in connection with Crime No. 0846/2024, registered with Police Station Babhulgaon, District Yavatmal, for offences punishable under Sections 85, 86 and 3(5) of the Bhartiya Nyaya Sanhita, and the subsequent proceedings arising out of the same bearing Charge-sheet No. 15/2025, are hereby quashed to the extent of the present applicant i.e. Sau. Lalita W/o Rajendra Waghale.
- iii) The fees of the appointed Counsel be quantified as per the Rules.

11. The application is disposed of in the above terms.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..