



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 1094 OF 2025

(Sumit Ganesh Mandavkar & Ors.

Vs.

State of Maharashtra, Thr. P.S.O., P.S Ram Nagar, Tq. & Dist. Wardha
& Anr.)

Office Notes, Office Memoranda
of Coram, Appearances, Court's
orders or directions and
Registrar's orders

Court's or Judge's orders

Mr. Y.P. Bhelande, Advocate for the Applicants.
Mr. N.H. Joshi, APP for the Non-applicant No.1/State.

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

DATED : 19th SEPTEMBER, 2025

1. The present Application is preferred by the Applicants for quashing of the FIR in connection with Crime No. 456/2025 registered with Police Station, Ram Nagar, Wardha under Sections 3(5), 351(2), 352 and 85 of Bharatiya Nyaya Sanhita, 2023.

2. The Applicant No.1 is the brother-in-law, Applicant No.2 is the mother-in-law and Applicant No.3 is the uncle of the Applicant No.1.

3. The crime is registered on the basis of the report lodged by the Informant on an allegation that her marriage was performed with the co-accused Sachin Mandavkar. After marriage she resumed cohabitation at the house of the present Applicants but she was not treated well and she was

illtreated for various reasons. On the basis of the said report Police have registered the crime against the present Applicants.

4. Heard learned Counsel for the Applicants, who submitted that as far as the present Applicants are concerned who are not residing with the Informant and her husband. They are implicated merely because they are the relatives of the husband of the Informant. General and omnibus allegations are levelled against them. The recitals of the FIR itself are sufficient to show that no *prima facie* case is made out against them and no specific instances are also narrated by the Informant as far as the ill-treatment at the hands of the present Applicants are concerned. In view of that, the FIR be quashed against the present Applicants.

5. Learned APP strongly opposed the said Application and submitted that considering the allegations levelled against the present Applicants *prima facie* material is there. In view of that, the Application deserves to be rejected.

6. On hearing both the sides and on perusal of the recitals of the FIR, admittedly the omnibus and general statements are made against the present Applicants. It is apparent that, the present Applicants are living separately from the Informant and her husband. Merely, because they are the relatives of the husband, they are implicated in the alleged offence.

7. At this stage, reference can be given to the observations made by the Hon'ble Apex Court in the case of

Preeti Gupta and another Vs. State of Jharkhand, reported in (2010) 7 SCC 667, wherein it is held that the allegations of harassment by the husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant wife resided would have an entirely different complexion. Such allegations of the complainant are required to be scrutinized with great care and circumspection.

8. The another observation of the Hon'ble Apex Court in the case of *Kahkashan Kausar alias Sonam and others Vs. State of Bihar and others, reported in (2022) 6 SCC 599*, wherein it is held that it must be borne in mind that although the two F.I.Rs. may constitute two independent instances, the present complaint fails to establish specific allegations against the in-laws. Allowing prosecution in the absence of clear allegations against the appellant's in-laws would simply result in an abuse of the process of law.

9. In view of the observation of the Hon'ble Apex Court in the case of *Dara Lakshmi Narayana Vs. State of Telangana, (2025) 3 SCC 735*, wherein it is held 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. Similar is the case in the present matter also. Considering the facts of the present case, wherein the omnibus and general allegations are levelled. In view of that, the Applicants have made out the case for quashing of the FIR. Accordingly, we proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The First Information Report in connection with Crime No. 456/2025 registered with Police Station, Ram Nagar, Wardha under Sections 3(5), 351(2), 352 and 85 of Bharatiya Nyaya Sanhita, 2023, is hereby quashed and set aside.

11. Pending application/s, if any, shall stand disposed of accordingly.

(NANDESH S. DESHPANDE, J.) (URMILA JOSHI-PHALKE, J.)