IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.61 OF 2024

1.Avinash Niranjan Swami (Husband)
2. Niranjan S/o Shivanand Swami (Father-in-law)
3. Saroja W/o Niranjan Swami (Mother-in-law)
4. Poonam Amol Swami (Sister-in-law)
5. Amol Sangayya Swami (Husband of Sister-in-law)
6. Pooja Moreshwar Jangam (Sister-in-law)
7. Moreshwar Dattatreya Jangam (Husband of Sister-in-law)

VERSUS

1.The State of Maharashtra
2. Ankita W/o Avinash Swami

Mr. M. L. Dharashive, Advocate for Applicants
Mr. S. P. Joshi, APP for Respondent - State

CORAM : R. M. JOSHI, J.
DATE : 06th OCTOBER, 2026

PER COURT :-

1. At the outset it must be recorded that Respondent no. 2 is absent though served. Therefore, the application is proceeded in the absence of Respondent No. 2.

2. Learned Counsel for Applicant does not press the application qua Applicant Nos. 1 to 3. Hence, Application stands dismissed against Applicant Nos. 1 to 3 as withdrawn.

3. By this application, applicants seek quashment of First Information Report bearing Crime No. 0751/ 2023, registered at MIDC Police Station, District Latur for the offences punishable under Sections

498-A, 323, 504, and 506 read with Section 34 of the Indian Penal Code and chargesheet bearing no. 395/2023 dated 28.10.2023 and quashment of order of issuance summons passed by learned Chief Judicial Magistrate, Latur in RCC No. 1873 of 2023.

4. According to the prosecution that informant/respondent no. 2 registered the First Information Report against the present applicants. The informant was married to the applicant no. 1 on 19.02.2022 as per Hindu rites and rituals. A male child was born out of the said wedlock. At the time of marriage, her parents provided Rs. 4 lakhs as dowry, 7 tolas of gold, and household items along with marriage expenses totaling Rs. 5 lakh. Six months after the marriage, applicants allegedly began subjecting informant to physical and mental harassment. It is alleged that the applicants subjected the complainant to physical and mental harassment, starvation, excessive workload, character suspicion, and prohibited her to use mobile phone. They harassed her regarding her marriage standard and refused to take responsibility for the child. The situation further escalated in January 2023, when the husband and in-laws made an unlawful demand of Rs. 10 Lakhs for the purchase of a car. Informant expressed her inability to fulfill the said demand, owing to which she was subjected to physical and mental cruelty and ultimately ousted from the matrimonial home under threats of being eliminated or burnt alive. On 15.06.2023, the applicants visited the parental home of

Informant's , where they refused reconciliation, demanded a dissolution of marriage, and extended threats to her life. Following unsuccessful mediation at the Bharosa Cell, S. P. Office, Latur, and the failure of efforts toward the restitution of conjugal rights, Informant filed the present FIR.

5. Learned Counsel for the applicants submitted that the First Information Report filed against the present applicants is false. Applicant no. 1 never demanded Rs. 10 lakh for purchasing the car. Applicant no. 4 and 6 are married sisters of applicant no. 1 and they are residing in different cities with their families, at Hyderabad and Kolhapur respectively. Therefore, applicant no. 4 to 7 neither harassed the informant and nor demanded Rs. 10 lakh.

6. Per contra, learned APP opposed to grant any relief to the applicant nos. 4 to 7. He submitted that the applicants actively assaulted the informant and demanded Rs. 10 lakhs for purchasing a car, and continuously poisoned the minds of the husband and parents-in-law against the informant, thereby constituting active participation in the matrimonial cruelty.

7. Perusal of the documents placed on record and allegations in FIR shows that the applicant Nos. 4 and 5 reside at Hyderabad and Applicant Nos. 6 and 7 reside at Kolhapur, having independent matrimonial homes. Their marriage is performed much earlier to

marriage of informant. Moreover, the allegations in FIR against them are general, omnibus, and lack specific details of overt acts so also there is no allegation that they actually demanded any money or caused harassment. It is a settled position of law laid down by the Hon'ble Supreme Court in the cases of ***Geeta Mehrotra v. State of Uttar Pradesh, (2012) 10 SCC 741*** and ***Kahkashan Kausar v. State of Bihar, (2022) 6 SCC 599*** where criminal proceedings under Section 498-A of the IPC should not be used as an instrument of harassment against separately residing relatives of the husband based on vague and sweeping allegations of instigation. Furthermore, documents placed on record fail to disclose concrete material linking them directly to day-to-day harassment. Evaluated in light of the case of ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, allowing the trial to proceed against them would amount to an abuse of the process of law.

8. In view of the above application stands partly allowed, qua Applicant Nos. 4 to 7 in terms of prayer clauses 'C' and 'C-1'.

(R. M. JOSHI, J.)

B. S. Joshi