IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.122 OF 2026

1. Sunita w/o Rohidas Rathod (mother in law)
2. Akash s/o Rohidas Rathod (brother in law)
3. Govind s/o Paraji Rathod (grandfather in law)
4. Sanjay s/o Govind Rathod (Cousin father in law)
5. Vijaykumar s/o Govind Rathod (cousin father in law)
6. Raghunath s/o Ganpatrao Rathod (Cousin brother in law)

Versus

1. The State of Maharashtra
2. Kajal w/o Ajay Rathod (complainant)

Mr.R.D.Kawade, Advocate for the Applicants.
Mr.C.V.Bhadane, APP for the Respondent/State.
Ms.D.S.Patil (Yenegure), Advocate for Respondent No.2 (Appointed)

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 30th OCTOBER, 2026

PER COURT :

1. Though Respondent No.2 is served, nobody is appearing on her behalf, so Ms.Yenegure is hereby appointed to represent her. Learned Advocate for Respondent No.2 is supplied with the copy of the application. Upon specific query, she agreed to argue the matter. In view of the above, matter is taken up for final hearing.

2. Heard the learned advocates appearing for the respective parties.

3. The applicants are challenging the order dated 10.07.2024 passed by the learned J.M.F.C., Parbhani in RCC No.74/2024, thereby issuing summons against the Applicants in pursuant to the offence u/s 498-A, 323, 504, 506 r/w 34 of the IPC, registered with the Police Station Daithna, Tq. And Dist. Parbhani bearing its Crime No.236/2023 dated 27.07.2023.

4. As per the report lodged by respondent No.2/ complainant, her marriage with applicant No.1/husband took place on 10.05.2022. The applicants are relatives of the said husband. After marriage, she started residing with the in laws. She has stated that after the marriage, she had gone to co-habit with her husband at Sirsala Tanda, Tal.Parali, Dist.Beed and she alongwith her husband, applicant No.1 Sunita and Applicant No.2 Akash (brother in law) used to reside in the same house. As per the said report, he alleged that the accused persons used to harass her in order to bring Rs.1,00,000/- for purchasing a new motorcycle. Due to the said illtreatment, she left the matrimonial house and started residing with her parents. Her parents had tried to

give understanding to the accused persons on phone, however, they did not listening to them. Thereafter, she against joined her in laws in view of the sugarcane season. Thereafter, he alleged that again her husband started harassing her and therefore she left the matrimonial house and came to her parents house. On 26.07.2023, she had approached to the Women Redressal Cell. However, since no compromise took place, therefore she lodged the report dated 27.07.2023.

5. After perusal of the aforesaid FIR, it is found that general allegations have been lavelled against all the accused persons. The allegations as regards the assault are against the husband, who is admittedly not before this Court. The other allegations are of general nature and the applicants have been implicated in this crime merely because they appears to be the relatives of the husband of respondent No.2. No specific act has been attributed in the FIR.

6. In that view of the matter, the instant application is totally covered as per the judgments delivered by the Hon'ble Apex Court in the cases of ***State of Haryana and others Vs. Bhajan Lal [1992(1) SCC***

335]=(AIR 1992 SC 604), Kahkashan Kausar @ Sonam V. V/s. State of Bihar [(2022) 6 SCC 599] , K. Subba Rao V/s. State of Telangana [(2018) 14 SCC 452] and *Geeta Mehrotra Vs.State of Uttar Pradesh [(2012) 10 SCC 741].*

7. In that view of the matter, application is allowed in the following terms :-

[a] The order dated 10.07.2024 passed by the learned J.M.F.C., Parbhani in RCC No.74/2024, thereby issuing summons against the Applicants in pursuant to the offence u/s 498-A, 323, 504, 506 r/w 34 of the IPC, registered with the Police Station Daithna, Tq. And Dist. Parbhani bearing its Crime No.236/2023 dated 27.07.2023., is hereby quashed and set aside.

(b) Ms.D.S.Patil (Yenegure), the learned advocate for respondent No.2 is appointed by this Court. Therefore, her fees be quantified and paid to her as per rules, by the High Court Legal Aid Services Sub Committee, Aurangabad Bench.

(SUSHIL M. GHODESWAR, J.)