IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 111 OF 2024

1. Sangita Sunil Tribhuvan (Mother-in-law)
2.Sunil Ramchandra Tribhuvan (Father-in-law)
3. Pratik Sunil Tribhuvan (Brother-in-law)
4. Kavita Yosef Angre (Original) (Sister of applicant no. 2)
   Kavita Josef @ Bandu Angre (As per FIR)
5. Yosef Stanislaus Angre (Original) (Husband of applicant no. 4)
   Josef @ Bandu Angre (As per FIR)
6. Michelle Yosef Angre (Original)
   Michelle Bandu Angre (As per FIR)
   (Daughter of applicant no. 4 and 5)

VERSUS

1.The State of Maharashtra
2.Nisarga Akshay Tribhuvan

Mr. J. V. Deshpande a/w Mr. J. N. Dudhate, Advocate for applicants
Mr. A. D. Aghav, Advocate for respondent No. 2
Ms. R. R. Tandale, APP for respondent-State

CORAM : R. M. JOSHI, J.
DATE : 02nd NOVEMBER, 2026

PER COURT :-

1. Applicants seek quashment of the F.I.R No. 500 of 2023 registered with Police Station Bhusawal Bazarpeth, Taluka Bhusawal, District Jalgaon for the offence punishable under sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code and subsequent charge-sheet RCC No. 26 of 2024 pending before the Third C.J.J.D and J.M.F.C., Bhusawal and order taking cognizance and issue process against

applicants passed by learned J.M.F.C. at Bhusawal below Exhibit-1 dated 02.08.2024 in R.C.C. 26 of 2024.

2. According to the First Information Report, the marriage between the informant, Nisarga Akshay Tribhuvan,and Akshay Sunil Tribhuvan was solemnized on 29.01.2023, during which gold ornaments and household articles were given by the informant’s parents. The informant alleged that she was initially misled regarding her husband's employment as a Software Engineer at Pune and was falsely informed that he belonged to the Buddhist community, whereas he belongs to the Christian community. The informant further alleged that Applicant Nos. 1 and 4 verbally abused her and, under their influence, her husband physically assaulted her. On 06.03.2023, the husband of the informant threw a laptop at her leg due to suspicions. It is further stated that Applicant Nos. 3, 5, and 6 issued threats, and that the husband demanded Rs. 5 Lakhs from her parental home for purchasing a vehicle, subjecting her to physical assault upon refusal. It is further alleged that the applicants physically assaulted her mother on 17.06.2023. Upon rejection of mediation by relatives, the informant initially approached the Women’s Grievance Cell, Jalgaon on 11.08.2023, and subsequently, the present F.I.R came to be lodged at Bhusawal Bazarpeth Police Station. Upon completion of the investigation, a charge-sheet came to be filed

against the applicants.

3. Learned counsel for the applicants submits that the allegations in the FIR are false, vague, and omnibus. He contended that the husband had already filed proceedings for judicial separation under Section 10 of the Hindu Marriage Act, 1955 before the Family Court at Pune in July 2023, and the present FIR is nothing but a counter-blast to that. The applicants reside separately in different cities and have no involvement in the day-to-day matrimonial life of the informant. The present criminal proceedings are mere harassment and vengeance against the applicants, and the continuation of such proceedings against distant relatives would be an abuse of the judicial process.

4. Learned APP and learned counsel for the informant strongly opposed the grant of any relief to the applicants, contending that the allegations in the F.I.R clearly disclose a *prima facie* case against the present applicants. It was further contended that the applicants and the husband mentally and physically harassed the informant, which led her to file a complaint under Sections 12 and 13 of the P.W.D.V. Act before the J.M.F.C. Court at Aurangabad, P.W.D.V.A. No. 361 of 2023, which remains pending, therefore, granting any relief to the applicants would result in injustice to the informant.

5. Having heard both sides, a perusal of the record indicates that the allegations levelled against the applicants are vague, general, and omnibus. The present F.I.R was filed by the informant after her husband initiated judicial separation proceedings under Section 10 of the Hindu Marriage Act, 1955 bearing Petition No. A-1312 of 2023, which demonstrates that it is nothing but an afterthought and a counter-blast to the matrimonial proceedings. A bare perusal of Paragraph Nos. 5 to 7 of the F.I.R reveals that the specific allegations constituting the offence under Section 498-A of the Indian Penal Code are directed solely against the husband, with no overt acts or specific roles attributed to the present applicants. Moreover, the statements of the witnesses also support the same. Furthermore, Applicant Nos. 1 to 3 are residing at Aurangabad, Applicant No. 4 is the sister of Applicant No. 2, Applicant Nos. 4 and 5 are residing at Pune, and Applicant No. 6 is the daughter of Applicant Nos. 4 and 5 who is studying in the U.K. They all reside separately and do not share a common household with the informant and her husband, Akshay Tribhuvan. Therefore, considering their separate residences, they had no involvement in the day-to-day matrimonial life of the informant. As per the settled position of law, relatives residing separately cannot be forced to face trial based on vague allegations, as held by the Hon'ble Supreme Court in ***Geeta Mehrotra v. State of U.P.*** (2012) 10 SCC 741 and ***Kahkashan Kausar v. State of Bihar*** (2022) 6 SCC 599.

Moreover, as per the settled position laid down in the case of ***State of Haryana v.s Bhajan Lal***, (1992) SCC (cri) 426, continuing criminal proceedings against these applicants on the basis of vague and omnibus allegations would amount to an abuse of the process of the court.

6. In view of the above, the Application stands allowed in terms of prayer clauses 'B','B-1' and ‘E’.

(R. M. JOSHI, J.)

B. S. Joshi