IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 469 OF 2026

DIVYA BHUSHAN PATIL ALIAS DIVYA DNYANESHWAR DESALE
AND
SAYAJIRAO CHANGA DESALE
VERSUS
POONAM VISHWAJIT DESALE AND ANOTHER
...
Shri Mitkari Umesh Gangadhar, Advocate for Applicants
Shri S.K. Shirse, APP for Respondents/ State.
Ms.Jakhade Rutuja L., Advocate for Respondent No.1.
...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 03 November 2026

P. C. :-

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

2. The applicants are seeking quashment of FIR No.0306/2025 dated 04.09.2025 registered with the Deopur West Police Station, District Dhule, at the behest of respondent No.1/ informant, for the offences punishable under Sections 85, 115, 352, 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. After completion of investigation, the charge-sheet is filed and the case is now registered as RCC No.1438/2025 before the

learned Chief Judicial Magistrate, Dhule. The applicants also seek quashment of the said further proceedings.

3. The learned advocate for the applicants submitted that the applicants have been implicated in the crime on account of their relationship with the husband of the informant. They have been falsely implicated in the crime and have no concern with the crime in question. The learned advocate, therefore, prayed for quashing of the FIR in question.

4. *Per contra*, the learned APP appearing for the respondent/ State as well as the learned advocate appearing for the respondent/ informant strongly opposed the instant application. They submitted that sufficient material is available against the applicants and their role is a matter to be decided at the time of trial. Hence, they prayed for rejection of the instant application.

5. At this stage, it would be apposite to refer to some judgments of the Hon'ble Supreme Court. The Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, laid down the categories of cases in which the High Court may exercise its inherent powers to quash criminal proceedings to

prevent abuse of the process of law and to secure the ends of justice. Further, in ***Geeta Mehrotra v. State of Uttar Pradesh, (2012) 10 SCC 741, K. Subba Rao v. State of Telangana, (2018) 14 SCC 452,*** and ***Kahkashan Kausar @ Sonam v. State of Bihar, (2022) 6 SCC 599***, the Hon'ble Supreme Court emphasized the need to scrutinize the allegations made against the relatives of the husband in matrimonial disputes and observed that general and omnibus allegations, without specific allegations disclosing their individual involvement in the alleged offences, may not justify the continuation of criminal proceedings against them. In the case in hand, the allegations against the applicants, therefore, need to be examined in the light of the aforesaid principles laid down by the Hon'ble Supreme Court.

6. After going through the FIR in question as well as the statements recorded by the Investigating Officer, it is found that the FIR has been lodged as a result of matrimonial differences between the husband and wife and that the relatives of the husband have been implicated on account of their relationship with him. It is evident that the applicants are the distant relatives of the husband of the informant. It is alleged in

the FIR that the marriage took place on 01.04.2024 and after marriage, there was harassment at the hands of in-laws.

7. Applicant No.1 is resident of Pune and applicant No.2 is cousin father-in-law and is residing at Dhule. Perusal of the FIR would indicate that the applicants are not found directly involved in the crime. Thus, the allegations against the applicants are found to be vague and general in nature. No specific incident, date or event has been stated in the FIR so as to attribute any specific overt act to the applicants. Therefore, such bald allegations, in the absence of specific allegations disclosing their individual involvement in the crime, are insufficient to justify the continuation of criminal prosecution against them. Neither the contents of the FIR nor the statements recorded by the Investigating Officer disclose any specific overt act on the part of any of the applicants so as to attract the provisions of the penal sections invoked against them.

8. In view of the aforesaid discussion, it is found that the applicants are implicated on account of their relationship with the husband of respondent No.1 and the allegations do not disclose their specific involvement. Therefore, in order to prevent

an abuse of process of the Court and to secure the ends of justice, the instant application deserves to be allowed and the criminal proceedings against the applicants deserve to be quashed and set aside. Hence, the following order:

ORDER

(a) The Criminal Application is allowed.

(b) FIR No.0306/2025 dated 04.09.2025 registered with the Deopur West Police Station, District Dhule, at the behest of respondent No.1/ informant and the further consequential proceedings arising out of the said FIR, are hereby quashed and set aside to the extent of the present applicants.

kps (SUSHIL M. GHODESWAR, J.)