IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 637 OF 2026

1] Mahesh S/o Chandrakant Swami

2] Shobha W/o Chandrakant Swami

3] Chandrakant Virbhadraappa Swami

4] Mangesh S/o Chandrakant Swami

5] Pooja W/o Mangesh Swami

6] Mukesh S/o Chandrakant Swami

7] Anjali W/o Mukesh Swami ...**Applicants**
(Orig. Accused)

Versus

1] The State of Maharashtra

2] Sakshi W/o Mahesh Swami ...**Respondents**
(Original Informant)

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Mr. P. P. More, Advocate for the Applicants.
Mr. A. A. A. Khan, APP for Respondent No.1/ State.
Ms. V. P. Savant, Advocate for Respondent No.2/ Informant.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 28 OCTOBER, 2026

PC:

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

2. Applicant No.1 is the husband of respondent No.2/ informant.

Applicant Nos.2 and 3 are the mother-in-law and father-in-law, applicant Nos.4 and 6 are the brothers-in-law, and applicant Nos.5 and 7, who are the wives of applicant Nos.4 and 6 respectively, are the sisters-in-law of respondent No.2.

3. By this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants are challenging FIR No.0001/2026 dated 02.01.2026 registered with Shirur-Anantpal Police Station, Tq. Shirur-Anantpal, Dist. Latur, at the behest of respondent No.2 (Sakshi Mahesh Swami), for the offences punishable under Sections 85, 115(2), 352 and 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

4. As per the report lodged by respondent No.2/ informant, her marriage with applicant No.1 took place on 21.05.2023. After the marriage, she and her husband went on a tour to Mysore and Ooty, during which the husband told her that he was unable to have physical relations, and she felt that the husband and his relatives had played a fraud upon her. After returning, she went to her parental house. It is alleged that the applicants then called her father to Ausa and abused her, her father and her aunt, accusing her of taking away clothes and ornaments, and stated that they did not want to continue the marriage and would perform another marriage of applicant No.1. It is further

alleged that her father died of a heart attack in November 2023 on account of this harassment, and that the efforts of her relatives for settlement, including the proceedings before the Bharosa Cell in September 2025, were not fruitful. As such, the aforesaid FIR came to be registered at the behest of respondent No.2 on 02.01.2026.

5. In pursuance of the aforesaid FIR, the investigation was set in motion and after completion of investigation, the charge-sheet was filed. The learned Judicial Magistrate, First Class, Nilanga, by order dated 20.03.2026 issued summons to the accused, and the proceedings bearing R.C.C. No.60/2026 are pending before the Court. By amendment this Court permitted that the applicants have also challenged the said order of issuance of summons.

6. The learned advocate for the applicants submitted that the applicants have been implicated only on account of their relationship with applicant No.1 husband and the allegations against them are vague and general, without any specific date, incident or role. Respondent No.2 resided in the matrimonial home only for a short period and left the house on her own. He further submitted that applicant No.1 is serving with Canara Bank, applicant No.2 is serving as an Assistant Teacher at Ausa, and applicant Nos.4 to 7 have been residing at Pune on account of their employment, applicant No.4 since 2014. Hence,

continuation of the prosecution would amount to an abuse of the process of law.

7. Per contra, the learned APP appearing for the respondent/ State as well as the learned advocate appearing for respondent No.2/ 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.

8. 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.

9. After going through the FIR in question, it is found that the FIR has been lodged as a result of matrimonial differences between the husband and wife. The FIR itself shows that respondent No.2 stayed in the matrimonial home only for a short period after the marriage and, after returning from the tour, went to her parental house. The grievance against applicant No.1 relates to his alleged inability to have physical relations, which by itself does not disclose cruelty or harassment of the nature contemplated by the penal provisions invoked. The allegation of abuse on the day the father of respondent No.2 was called to Ausa is made against all the applicants collectively, without attributing any specific overt act to any of them. Applicant Nos.4 to 7 have been residing at Pune on account of their employment. The FIR came to be lodged on 02.01.2026, more than two and a half years after the marriage, without any specific instance of cruelty or demand. Such vague and omnibus allegations are insufficient to justify the continuation of criminal prosecution against the applicants.

10. In view of the aforesaid discussion, it is found that the FIR is the

outcome of a matrimonial dispute and the allegations do not disclose the specific involvement of the applicants. 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.0001/2026 dated 02.01.2026 registered with the Shirur-Anantpal Police Station, Tq. Shirur-Anantpal, Dist. Latur, at the behest of respondent No.2 and the further proceedings arising therefrom, including R.C.C. No.60/2026 pending before the learned Judicial Magistrate, First Class, Nilanga, are hereby quashed and set aside to the extent of the present applicant Nos.1 to 7.

(SUSHIL M. GHODESWAR, J.)

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