IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

987 CRIMINAL APPLICATION NO. 790 OF 2026

Govind Tukaram Kotavade And Anothers
VERSUS
The State Of Maharashtra And Another
.....
Mr. V. B. Jadhav, Advocate for Applicant.
Mr. S. K. Shirse, APP for Respondent – State.
Mr. V. D. Godbharle, Advocate for Respondent No.2.
.....

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 28 OCTOBER, 2026

PC:

1. By this Criminal Application, applicants are challenging FIR No. 0384/2025 dated 24/08/2025 registered with the Gandhi Chowk Police Station, Dist. Latur, at the behest of respondent No.2, for the offences punishable under Sections 85, 352, 351(3), 351(2), 3(5) and 115(2) of the Bharatiya Nyaya Sanhita, 2023(for short " B.N.S") and In pursuance of the aforesaid FIR, the investigation was set in motion and after completion of investigation, the charge-sheet was filed. Now, the proceedings bearing RCC No.1304/ 2025 are going on before the learned Judicial Magistrate, First Class, Latur, wherein, the order of issuance of process has been passed on 19/01/2026.

2. As per the report lodged by respondent No.2/ complainant, her

marriage with Balaji Sheshrao Narhare took place on 05/05/2015. The applicants are relatives of the said husband. After her marriage, initially respondent No.2/ wife was treated well. However, the husband and his relatives used to physically assault and abuse her on account of petty issues. The applicants, however, used to support her husband and instigate him so that he should beaten and harass respondent No.2. Thereafter applicants stated abusing and beaten her and also demanded Rs. 10,00,000/- for purchase of vehicle and drove her out of the matrimonial house on 10/03/2025. Though there was attempt of conciliation at the Women Grievance Redressal Cell, however, same was not fruitful. As such, the aforesaid FIR came to be registered at the behalf of respondent No.2.

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. it is further submitted that applicant No.1 has shifter to Palghar in 1992 and since then he is doing his business there and married applicant No.2 in 1997 and both of them are residing separately from complainant. Therefore they are not were concerned with the allegation. The learned counsel for the applicants further submitted that

the continuation of the criminal prosecution against them would amount to an abuse of the process of law. Hence, the applicants prayed for quashing of the FIR and the proceedings arising therefrom.

4. Per contra, the learned APP appearing for the respondent No.1/ State as well as the learned advocate appearing for the respondent No.2/informant strongly opposed the instant application. They submitted that sufficient material is available against the applicants. According to them, sufficient allegations have been made against the applicants and they have played major incriminating role in the crime in question. It would be premature to conclude that they are not involved in the crime. They are required to be prosecuted before the trial Court for having committed serious crime against respondent No.2. 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 marriage took place on 05/05/2025. However, 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. The FIR contains only vague and omnibus allegations against them. 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.

7. It is also found that, applicant No.1 has shifted to Palghar in 1992 since then he lived and work there and thereafter has married to Applicant No.2 in 1997 and both of them are residing separately at Palghar. Therefore, the applicants are not concerned with the alleged crime.

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.2 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.0384/2025 dated 24/08/2025 registered with the Gandhi

Chowk Police Station, at the behest of respondent No.2 and the further proceedings arising therefrom, are hereby quashed and set aside to the extent of the present applicants.

(SUSHIL M. GHODESWAR, J.)

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