2026:BHC-AUG:53730

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

984 CRIMINAL APPLICATION NO. 827 OF 2026

1. Anwar Khan Nazir Khan Pathan
2. Najirkha Salimkha Pathan
3. Shakilabi Najirkhan Pathan
4. Jamil Nazir Pathan
5. Tarnum Rafik Shaikh ….APPLICANTS

VERSUS

1. The State of Maharashtra,
thr. Police Station, Majalgaon City,
Tq. Majalgaon, Dist. Beed

2. Naheda w/o Anwar Pathan ….RESPONDENTS

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Mr V. C. Patil (Ashtekar), Advocate for Applicants
Mr D. B. Bhange, APP for Respondent No.1/State
Mr Z. Z. Sayyed, Advocate h/f Mr S. G. Deshmukh, Advocate (appointed) for Respondent No.2

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 31st OCTOBER, 2026

P. C. :

1. Learned Advocate Mr Sayyed, holding for appointed Advocate Mr Deshmukh for respondent No.2 seeks some time on the ground that Mr Deshmukh is not available today in this Court. Request of learned Advocate Mr Sayyed is rejected and the matter is taken up for final disposal.

2. Heard learned Advocate for the applicants, learned APP for respondent No.1/State.

3. By this application, the applicants are praying for quashing and setting aside the FIR bearing C.R.No. 260/2025, dated 12/07/2025, registered against them at the behest of respondent No.2/complainant with the Police Station, Majalgaon City, Tq. Majalgaon, Dist Beed for the offences punishable under Sections 85, 115(2), 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3 and 4 of the Dowry Prohibition Act, 1961; and the consequential proceedings bearing R.C.C. No.335/2025, pending before the learned I/c Judicial Magistrate First Class, Court No.2, Majalgaon, Dist. Beed as well as the order dated 09/09/2025 therein, thereby issuance of process against them.

4. Admittedly, the instant application has already been dismissed as withdrawn to the extent of applicant No.1/husband. Applicant Nos.2 to 5 are the relatives of applicant No.1/husband. Applicant Nos.2 and 3 are parents of applicant No.1, whereas applicant Nos.4 and 5 are the brother-in-law and sister-in-law of respondent No.2, respectively.

5. The marriage of respondent No.2 took place with applicant No.1 on 17/02/2013. Respondent No.2 alleges in the aforesaid FIR that she was harassed by the applicants on account of petty issues and doubting her character. It is further alleged that the applicants also used to demand amount of Rs.5,00,000/- for purchasing a Tractor. On account of said demand, the applicants alongwith her husband started harassing her and also driven her out of matrimonial house. She also alleged that, on 17/05/2025, her husband had come to her maternal home and had abused, assaulted and tried to kill her. Respondent No.2 had reported the said incident to the police by lodging separate complaint against him. With all these allegations, respondent No.2 has lodged the aforesaid FIR against the applicants.

6. 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. He further submitted that the continuation of the criminal prosecution against them would amount to an abuse of the process of law, and therefore, they have approached this Court seeking quashing of the FIR in question and consequential criminal proceedings.

7. The learned Advocate for the applicants submitted that the if the allegations made in the complaint are taken at their face value and accepted in their entirety, it appears that all are vague and general allegations against the relatives of the husband, without attributing any specific overt act, date, time, or particular incident to them. As no specific role has been assigned to any of the applicants, the continuation of the proceedings against them would amount to an abuse of the process of law. Hence, he prayed for quashing of the FIR and the criminal proceedings arising therefrom against the applicants.

8. Per contra, the learned APP strongly opposed the instant application. He submitted that sufficient material is available against the applicants. He referred to the statements of the witnesses recorded by the Investigating Officer and submitted that the applicants had abetted the crime in question. He, therefore, prayed for rejection of the instant application.

9. The learned Advocate for respondent No.2/informant also strongly opposed the instant application. According to him, sufficient allegations have been made against the applicants and they have played major incriminating role in the crime in question. He then submits that their participation would be established at the time of trial

and 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, the learned counsel for respondent No.2 prayed for rejection of the instant application.

10. After going through the FIR in question as well as the statements recorded by the Investigating Officer, it is found that the applicants have been implicated as accused on account of their relationship with the husband of respondent No.2. The allegations against them 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.

11. It is further 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. Serious allegations against applicant

No.1/husband have been made, however, this application has been dismissed to the extent of him. 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.

12. The Hon’ble Supreme Court in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**, recognized the power of the High Court to quash criminal proceedings in appropriate cases where the allegations do not disclose an offence or where the proceedings fall within the recognized categories warranting interference to prevent abuse of the process of law.

13. The Hon'ble Supreme Court, in the case of **Geeta Mehrotra v. State of Uttar Pradesh, (2012) 10 SCC 741**, observed that, in matrimonial disputes, there is tendency to implicate the relatives of the husband without specific allegations disclosing their involvement in the alleged offences. Such relatives may be compelled to face criminal proceedings despite there being no specific material indicating their involvement. The Hon'ble Supreme Court has, therefore, recognized the need to examine whether the allegations against the relatives of the husband disclose a prima facie case or

whether their implication would amount to an abuse of the process of law.

14. In view of the aforesaid discussion, it is found that the allegations against the applicants, as reflected in the complaint, are general in nature and that no specific overt act has been attributed to them. The applicants appear to have been implicated on account of their relationship with the husband of respondent No.2. Therefore, in order to prevent the abuse of the 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 dismissed to the extent of applicant No.1 and the same is allowed to the extent of applicant Nos.2 to 5.

(b) The FIR bearing C.R.No.260/2025, dated 12/07/2025, registered at the behest of respondent No.2/complainant with the Police Station, Majalgaon City, Tq. Majalgaon, Dist Beed for the offences punishable under Sections 85, 115(2), 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3 and 4 of the Dowry Prohibition

Act, 1961; and the consequential proceedings bearing R.C.C. No.335/2025, pending before the learned I/c Judicial Magistrate First Class, Court No.2, Majalgaon, Dist. Beed as well as the order dated 09/09/2025 therein, thereby issuance of process are quashed and set aside to the extent of present applicant Nos.2 to 5.

[SUSHIL M. GHODESWAR, J.]

sjk