IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.316 OF 2026

1] Prashant Madhukar Trimbake
(Husband)
2] Sangita Madhukar Trimbake
(Mother-in-law)
3] Madhukar Prabhakar Trimbake
(Father-in-law)
4] Suman Madhukar Trimbake
(Grandmother-in-law)
5] Divya Madhukar Trimbake
(Unmarried sister-in-law)
6] Pooja Pradip Borhade
(Married sister-in-law)
7] Kailas Shriram Lasure
(Uncle-in-law)

..PETITIONERS
(Orig. Accused)

VERSUS

1] The State of Maharashtra
2] Shivshanti Prashant Trimbake
(Original Informant)

..RESPONDENTS
(Resp. No.2 is the Orig. Informant)

…

Mr. Z. H. Farooqui, Advocate for the Petitioners.
Mr. A. A. A. Khan, APP for Respondent No.1/ State.
Mr. Ganesh C. Shinde i/b Mr. Vijay S. Wakale, Advocate for Respondent No.2/ Informant.

…

CORAM : SUSHIL M. GHODESWAR, J.
DATE : 28 October 2026

Per Court :-

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

2. Petitioner No.1 is the husband of respondent No.2/ informant. Petitioner Nos.2 and 3 are the mother-in-law and father-in-law, petitioner No.4 is the grandmother-in-law, petitioner No.5 is the unmarried sister-in-law, petitioner No.6 is the married sister-in-law, and petitioner No.7 is the uncle-in-law of respondent No.2.

3. By this petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioners are challenging FIR No.572/2025 dated 14.11.2025 registered with Partur Police Station, Tq. Partur, Dist. Jalna, at the behest of respondent No.2 (Shivshanti Prashant Trimbake), for the offences punishable under Sections 85, 115(2), 352, 351(2) and 351(3) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of the Dowry Prohibition Act, 1961.

4. As per the report lodged by respondent No.2/

informant, her marriage with petitioner No.1 took place on 29.11.2023 at Partur. It is alleged that after few days of the marriage, the mother-in-law and grandmother-in-law started taunting her for not bringing proper gifts and for bringing cheap articles, and used to instigate the husband, who used to abuse and beat her. It is further alleged that the married sister-in-law used to abuse her on mobile phone and the uncle-in-law used to instigate the husband over the phone. It is alleged that when she suspected the husband of having an affair and confronted him, he abused and beat her and, on 07.11.2024, drove her out of the house. As such, the aforesaid FIR came to be registered at the behest of respondent No.2 on 14.11.2025.

5. In pursuance of the aforesaid FIR, the investigation was set in motion and after completion of investigation, charge-sheet No.49/2026 dated 06.02.2026 was filed. The learned Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Partur, by order dated 04.03.2026 took cognizance and issued process against the petitioners, and the proceedings bearing R.C.C. No.59/2026 are now going on before the said Court. By amendment permitted by order dated 26.03.2026, the petitioners

have also challenged the charge-sheet and the said order.

6. The learned advocate for the petitioners submitted that the petitioners have been implicated with an ulterior motive and the allegations against them are vague and omnibus. Respondent No.2 left the matrimonial home on 03.11.2024. Petitioner No.1 issued a notice for restitution of conjugal rights on 14.08.2025 and, as she did not return, filed a petition under Section 10 of the Hindu Marriage Act, 1955 on 05.11.2025. The FIR was lodged on 14.11.2025 i.e. about one year after she left the matrimonial home and soon after the said petition. He further submitted that petitioner No.4 is a senior citizen residing at a different address, petitioner No.6 was married prior to the marriage of petitioner No.1 and resides at her matrimonial home at Nashik, and petitioner No.7 is a distant relative residing at Thane. 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 petition. They submitted that sufficient material is available in the charge-

sheet against the petitioners and their role is a matter to be decided at the time of trial. Hence, they prayed for rejection of the instant petition.

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 powers to quash criminal proceedings to prevent abuse of the process of law and to secure the ends of justice, including where the proceedings are manifestly attended with mala fides or are instituted with an ulterior motive. 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 petitioners, 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 as well as the charge-sheet, it is found that the FIR has been lodged as a result of matrimonial differences between the husband and wife. The allegations against the relatives of the husband, regarding taunts for gifts and instigation over phone, are vague and general in nature, and no specific incident, date or overt act has been attributed to any of them. Petitioner No.4 resides at a different address, petitioner No.6 resides at her matrimonial home at Nashik and petitioner No.7 resides at Thane. Insofar as petitioner No.1/ husband is concerned, respondent No.2 left the matrimonial home in November 2024, whereas the FIR came to be lodged only on 14.11.2025, after petitioner No.1 had issued a notice for restitution of conjugal rights and had filed a petition under Section 10 of the Hindu Marriage Act, 1955 on 05.11.2025. The unexplained delay of about one year and the timing of the FIR indicate that the same has been lodged as counterblast to the proceedings initiated by the husband. Such

allegations are insufficient to justify the continuation of criminal prosecution against the petitioners.

10. In view of the aforesaid discussion, it is found that the FIR is the outcome of matrimonial dispute and the allegations do not disclose the specific involvement of the petitioners. Therefore, in order to prevent an abuse of process of the Court and to secure the ends of justice, the instant petition deserves to be allowed and the criminal proceedings against the petitioners deserve to be quashed and set aside. Hence, the following order:

ORDER

(a) The Criminal Writ Petition is allowed.

(b) FIR No.572/2025 dated 14.11.2025 registered with the Partur Police Station, Tq. Partur, Dist. Jalna, at the behest of respondent No.2 (Shivshanti Prashant Trimbake) and the further proceedings arising therefrom, including charge-sheet No.49/2026, the order dated 04.03.2026 issuing process and R.C.C. No.59/2026 pending before the learned Joint Civil Judge, Junior Division and Judicial Magistrate, First Class, Partur, are hereby quashed and set aside.

kps (SUSHIL M. GHODESWAR, J.)