IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 958 OF 2023

1. Chamabai W/o Shankar Chavan
2. Shankar S/o Reva Chavan
3. Sampat S/o Shankar Chavan
4. Minakshi @ Meena W/o Sampat Chavan
5. Sanjay S/o Dinkar Rathod
6. Rohidas S/o Gampu Rathod

VERSUS

1. The State of Maharashtra
2. Komal W/o Kailas Chavan

Mr. P. D. Vakhare h/f Mr. S. J. Naik, Advocate for applicants
Ms. R. P. Gour, APP for Respondent - State
Ms. H. R. Lomte, Advocate for Respondent N. 2

CORAM : R. M. JOSHI, J.
DATE : 15th OCTOBER, 2026

PER COURT :-

1. By way of the application applicants seek quashment of the First Information Report bearing FIR No. 55/2023 registered with Georai Police Station District Beed for the offences punishable under sections 498-A, 323, 504, 506 read with 34 of Indian Penal Code, and the quashment of the charge sheet, and R.C.C. No. 250 of 2023 registered before the Learned Judicial Magistrate First Class, Georai District Beed.

2. According to the prosecution, informant/respondent No. 2

filed the First Information Report against the present applicants. The marriage between the informant and accused no.1/husband, Kailas Shankar Chavan was solemnized as per Hindu rites and customs. A male child, namely Aniket, was born out of wedlock. It is alleged that the informant was subjected to continuous verbal abuse, insults, and mental harassment on trivial grounds by the present applicants. The applicants demanded an amount of Rs 2.5 lakhs from the Informant's parents to purchase an auto rickshaw, and upon her expressing inability due to her father’s poor financial condition as a sugarcane laborer, she was subjected to physical assault by kicks and blows, starvation and mental abuse. The husband of the informant insulted her appearance and refused to cohabit with her unless the monetary demand was satisfied. Thereafter, the father of the informant managed to pay Rs. 50,000/- to the in-laws of the informant. After a few days, applicants demanded the remaining Rs. 2 lakhs from the parents of the informant and eventually drove her out of the matrimonial home. On 01.01.2023 applicants visited the informant at her parental home and the father of the informant showed his inability to pay the remaining Rs. 2 lakhs they verbally abused, physically assaulted both the Informant and her father, issued death threats, and refused to take her back. Therefore, the present FIR came to be lodged against the present applicants. After completion of the investigation, charge-sheet filed in the instant crime and criminal

case bearing R.C.C.No. 250 of 2023 is registered before the Learned Judicial Magistrate First Class, Georai District Beed.

3. Learned Counsel for the applicants submitted that the applicants are falsely roped in the instant crime. The allegations in FIR are vague and omnibus. He contended that the applicants are residing separately from the informant they are falsely roped in the crime because they are relatives of the husband of the informant. He highlighted that the ration cards indicate their separate residences. He contended that applicants are residing separately from the matrimonial life of informants, applicants have no nexus with the informant. He further argued that there are no specific allegations against the applicants. Therefore, continuation of the criminal proceedings against the applicants constitutes a sheer abuse of process of law.

4. Per contra, Learned APP and counsel for respondent no. 2 submitted that the allegations in FIR made out a *prima facie* case against the applicants. Learned APP submits that the material placed on record, more particularly the record maintained by the police i.e., service of summons issued indicates that the applicants were residing together. It is argued that the charge-sheet has already been filed and R.C.C. No. 250 of 2023 is now pending before the trial court. Therefore, the separate residence of the applicants must be decided before the trial.

5. Perusal of the record indicates that the allegations against the applicants are general, and omnibus. The applicants are residing separately from the matrimonial home. Allegations regarding the incident dated 01.01.2023, against the applicants lack specificity. Furthermore, applicant no. 1 to 4 are residing separately from the matrimonial home of the informant, applicant no. 5 is husband of the sister-in-law of the informant and he is working as Health Officer at District Malaria Office, Beed and applicant no. 6 is the maternal cousin of the informant's husband. Needless to say that before issuing ration card, the Rationing Inspector visits the place and verify the persons residing therein and it is only thereafter the ration card is issued. Thus, if separate ration cards have been issued to the applicants and the co-accused, as well as to the Informant and her husband, there is no reason to believe that they were residing together. Moreover, applicants who are distant relatives, have no day to concern with the informant's matrimonial life and it could be said that they are falsely implicated in the instant crime. In the judgment of Hon'ble Supreme Court in ***Kahkashan Kausar v.s State of Bihar*** (2022) 6 SCC 599 and ***Geeta Mehrotra v.s State of UP*** (2012) 10 SCC 741 where the relatives who reside separately cannot be forced to face trial based on vague and omnibus allegation. In the judgment of the Hon'ble Supreme Court in case of ***State of Haryana v.s Bhajan Lal***, (1992) SCC (Cri) 426 continuing criminal proceedings against the

applicants would constitute a clear abuse of the judicial process.

6. In view of the above, application stands allowed in terms of prayer clauses ‘B’, ‘B-I’, ‘B-II’.

7. The fees of the appointed counsel is quantified at Rs. 10,000/-

(R. M. JOSHI, J.)

B. S. Joshi