IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1043 OF 2025

1] Shekhar Saudagar Atkale
(Husband)
2] Sushila Saudagar Atkale
(Mother-in-law)
3] Saudagar Govind Atkale
(Father-in-law)
4] Manisha Ganesh Nangre
(Sister-in-law) ..APPLICANTS
(Orig. Accused)

VERSUS

1] The State of Maharashtra
2] Revati Shekhar Atkale
(Original
Informant) ..RESPONDENTS

Mr. Shashikant E. Shekade, Advocate for the Applicants.
Mr. D. B. Bhange, APP for Respondent No.1 State.
Mr. Narsing B. Jadhav, Advocate for Respondent No.2 Informant.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 28th OCTOBER, 2026

PER COURT :

1. Heard the learned advocates appearing for the respective

parties.

2.. By this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants are challenging FIR No.0082/2025 dated 24.02.2025 registered with the Tuljapur Police Station, Dist. Dharashiv, at the behest of respondent No.2 for the offences punishable under Sections 85, 115(2), 352 and 351(3) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the report lodged by respondent No.2 informant, her marriage with applicant No.1 took place on 24.12.2020 at Tuljapur. It is alleged that she was treated well for about two months, and thereafter, from 25.02.2021 to 24.12.2023, her in-laws ill-treated and humiliated her on petty issues and demanded dowry of Rs.1,00,000/-, which was paid by her mother. She left the matrimonial home on 25.12.2023 and since then she is residing with her son at her parental home at Tuljapur. It is further alleged that on 23.02.2025, at about 12:30 p.m., applicant No.1 came to her parental house, abused her, and asked her to withdraw the case and threatened to commit suicide. As such, the aforesaid FIR came to be registered at the behest of respondent No.2 on 24.02.2025.

4. In pursuance of the aforesaid FIR, the investigation was set into motion and after completion of investigation, charge sheet was filed. The learned Judicial Magistrate, First Class, Tuljapur, by order dated 24.03.2026 issued summons to the accused, and the proceedings bearing R.C.C. No.114/2026 are now going on before the said Court. By the amendment, order dated 31.07.2026, the applicants have also challenged the said order of issuance of summons.

5. The learned advocate for the applicants submitted that after respondent No.2 left the matrimonial home, applicant No.1 filed H.M.P. No.147/2024 under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights and respondent No.2 thereafter filed a private complaint under Section 498-A of the Indian Penal Code, registered as Criminal Misc. Application No.116/2024 before the learned Judicial Magistrate, First Class, Tuljapur. He further submitted that on 23.02.2025, applicant Nos.1 to 3 went to the house of respondent No.2 to see the child, where applicant No.1 was assaulted by her grandfather and uncle, and applicant No.1 lodged FIR No.0081/2025 against them at about 01:52 p.m. on 24.02.2025, whereas the present FIR came to be lodged at about 06:04 p.m. on the same day only to counterblast the earlier case. Applicant No.4 was

married about fifteen years ago and resides separately at Tembhurni, Tq. Madha. Hence, continuation of the prosecution would amount to an abuse of the process of law.

6. 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 in the charge sheet 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.

7. 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, where the proceedings are manifestly attended with mala fides or are instituted with an ulterior motive for wreaking vengeance. Further, in ***Geeta Mehrotra v. State of Uttar Pradesh,*** **(2012) 10 SCC 741,** 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.

8. After going through the FIR in question and the material on record, it is found that the FIR is the outcome of a matrimonial dispute between respondent No.2 and applicant No.1. The allegations of ill-treatment and demand of dowry relate to the period from 25.02.2021 to 24.12.2023, and are general in nature, without any specific date, incident or overt act attributed to any of the applicants. Respondent No.2 had already filed a private complaint under Section 498-A of the Indian Penal Code in respect of her matrimonial grievances in the year 2024, and the said allegations have been repeated in the present FIR, which came to be lodged more than a year after she left the matrimonial home. Applicant No.4 is a married sister-in-law residing separately at Tembhurni. Insofar as the incident dated 23.02.2025 is concerned, the allegations of abuse and threat are made only against

applicant No.1, and no hurt is alleged to have been caused to respondent No.2. Further, applicant No.1 had lodged FIR No.0081/2025 against the grandfather and uncle of respondent No.2 in respect of the very same incident at about 01:52 p.m. on 24.02.2025, whereas the present FIR came to be lodged at about 06:04 p.m. on the same day, which indicates that it has been lodged as a counterblast. Such allegations are insufficient to justify the continuation of criminal prosecution against the applicants.

9. 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.0082/2025 dated 24.02.2025 registered with the Tuljapur Police Station, Dist. Dharashiv, at the behest of respondent No.2 and the

further proceedings arising therefrom, including the order dated 24.03.2026 issuing summons and R.C.C. No.114/2026 pending before the learned Judicial Magistrate, First Class, Tuljapur, are hereby quashed and set aside to the extent of the present applicant Nos.1 to 4.

(SUSHIL M. GHODESWAR, J.)