IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1071 OF 2025.

1. Sakharam Renukadas Kashyagotri.
2. Sindhubai Renukadas kashyagotri.
3. Ratnamala Niwas @ Kumar Kulkarni
4. Kishor Niwas @ Kumarrao Kulkarni.
5. Dattatrya Ramchandra Pathak.
6. Rekha Dattatrya Pathak.
7. Padmakar @ Popat Dattatrya Pathak -- APPLICANTS

VERSUS

1. The State of Maharashtra
2. Rekha Sakharam Pathak. -- RESPONDENTS

Ms.P.R.Deshpande, Advocate for the Applicants.
Mr.D.B.Bhange, APP for the Respondent/State.
Mr.S.D.Jayabhar h/f Mr.D.R.Jayabhar, Advocate for Respondent No.2.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 29th OCTOBER, 2026

PER COURT :

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

2. At the outset, when this Court has shown its disinclination to entertain this application as regards the applicant No. 1 (husband), the

learned advocate for the applicants seeks permission to withdraw the application to his extent. Hence, this Criminal Application is dismissed as withdrawn in respect of applicant No.1/ husband.

3. Insofar as other applicants are concerned, they are in-laws of respondent No.2/ informant. Applicant No.2 is the mother, applicant No.3 is the married sister and applicant No.4 is the son of applicant No.3. Applicant No.5 is the uncle of the husband of complainant, applicant No.6 is the wife of applicant No.5 and applicant No.7 is their son.

4. The applicants are challenging FIR bearing Crime No.110 of 2022 dated 29/08/2022 registered with the Shirur Police Station, Tq. Shirur Kasar, Dist. Beed, at the behest of respondent No.2, for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code.

5. As per the report lodged by respondent No.2/ complainant, her marriage with applicant No.1/ husband took place on 18/01/2014. The applicants are relatives of the said husband. After her marriage, initially respondent No.2/ wife was treated well till 2017. However, thereafter the husband and his relatives started ill-treating her on the

ground that she was not able to conceive a child. Since her parents are not alive, they demanded Rs.1,00,000/- from her sister and assaulted her on that count. It is alleged that on 03/09/2021 at about 10:00 a.m., the applicants assaulted her, drove her out of the matrimonial home and asked her to bring Rs.1,00,000/- from her sister. It is further alleged that she was ill-treated during the period from 22/11/2017 to 03/09/2021. As such, the aforesaid FIR came to be registered at the behest of respondent No.2.

6. 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 R.C.C. No.124 of 2022 pending before the learned Judicial Magistrate, First Class, Shirur Kasar, Dist. Beed, who issued process against the applicants vide order dated 20/12/2022 below Exh.1. By way of amendment, the applicants have also challenged the said order.

7. 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. Applicant Nos.3 to 7 reside separately, whereas applicant No.2, who is aged and ailing, resides with her married daughter at Aurangabad. Applicant Nos 2 to 5

are not even physically fit to maintain themselves, therefore false allegation made against them. They have been falsely implicated in the crime and have no concern with the crime in question. 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 and, therefore, they have approached this Court seeking quashing of the FIR in question.

8. Per contra, the learned APP appearing for the respondent/ State as well as the learned advocate appearing for the respondent/ 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.

9. 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.

10. 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 18/01/2014 and the grievance of respondent No.2 is

mainly about the ill-treatment on account of her inability to conceive a child. However, the allegations against the applicants are found to be vague and general in nature. Except a general statement that all the accused assaulted her and drove her out of the house on 03/09/2021, no specific role has been attributed to any of the applicants individually. 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.

11. 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 to the extent of applicant Nos.2 to 7 and is dismissed as withdrawn to the extent of applicant No.1 (husband).

(b) FIR bearing Crime No.110 of 2022 dated 29/08/2022 registered with the Shirur Kasar Police Station, Tq. Shirur Kasar, Dist. Beed, at the behest of respondent No.2 and the further proceedings arising therefrom, including R.C.C. No.124 of 2022 pending before the learned Judicial Magistrate, First Class, Shirur Kasar and the order of issuance of process dated 20/12/2022 below Exh.1, are hereby quashed and set aside to the extent of the present applicant Nos.2 to 7.

(SUSHIL M. GHODESWAR, J.)