IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3519 OF 2025

Pradnya w/o Mangesh Dhawale
(Sister-in-law) -- APPLICANT

VERSUS

1. The State of Maharashtra
2. Pratiksha w/o Nagesh Dhawale -- RESPONDENTS

WITH

CRIMINAL APPLICATION NO. 1314 OF 2026

1. Rupesh s/o Bhagwan Dhawale (Brother-in-law)
2. Mangesh s/o Bhagwan Dhawale (Brother-in-law)
3. Bhagyashri w/o Rupesh Dhawale (Wife of applicant No.1)
4. Mala Sushil Misale (Sister-in-law)
5. Vimal w/o Bhagwan Dhawale (Mother-in-law)
6. Bhagwan s/o Narayan Dhawale (Father-in-law) -- APPLICANTS

VERSUS

1. The State of Maharashtra
2. Pratiksha w/o Nagesh Dhawale -- RESPONDENTS

Shri Prashant P. Giri, Advocate for the applicants in both the applications.
Shri D. B. Bhange, APP for respondent No.1/State.
Shri Hanmant V. Patil, Advocate for respondent No.2/complainant.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 29th OCTOBER, 2026

PER COURT :

1. By these Criminal Applications filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants seek quashing of the First Information Report bearing Crime No. 0255 of 2024 dated 03.04.2024, registered with M.I.D.C. Police Station, Latur, for the offences punishable under Sections 498-A, 323, 494, 504 and 506 read with Section 34 of the Indian Penal Code , the consequent R.C.C. No. 1059 of 2025 pending before the learned Judicial Magistrate First Class, Latur, and the order dated 24.12.2025 issuing process. As both the applications arise out of the same crime, they were heard together and are decided by this common judgment.

2. Respondent No.2 is the informant. Her husband, Nagesh Bhagwan Dhawale, is accused No.1. Applicant(Pradnya) in Criminal Application No. 3519 of 2025, is wife of her husband's real brother (Mangesh) she is accused No.6 in said crime. The applicants in Criminal Application No. 1314 of 2026 are accused Nos. 2 is Vimal, mother in law of informant, Accused no. 3 is Rupesh, brother in law of informant and accused no. 4 is Bhagyashri, wife of accused no 3. Accused no. 5 is Mangesh, brother in law of informant. Accused no 7 is Mala, sister in law of informant, accused no 8 is Bhagwan, father in law of informant and accused No.9, Jaya, is not applicant in these

proceedings.

3. The prosecution case in brief is that the marriage of respondent No.2 with accused No.1 was solemnized on 12.03.2023 at Nanded. She was treated well for the initial 3 to 4 days. Thereafter, her husband and in-laws started ill-treating her by passing sarcastic comments and demanded Rs.40 lakhs to raise a hospital for her husband, who is a medical practitioner. Her father paid Rs.25 lakhs to father-in- law of informant on 09.07.2023, but the ill-treatment continued. It is also alleged that gold ornaments were taken from her and she was kept starving.

4. It is further alleged that on 01.09.2023, respondent No.2 noticed indecent messages from accused No.9 on the mobile phone of her husband and that she was ill-treated when she inquired. She came to know that accused No.1 had married accused No.9 on 21.12.2017 and that this fact was not disclosed to her. Since 22.09.2023, she has been residing with her parents. On 25.03.2024, she approached the Woman Dispute Redressal Forum, Latur. As her husband was unwilling to take her back, the Forum gave her a letter for registration of the crime.

5. During investigation, Section 495 of the IPC was added. After completion of the investigation, the charge sheet was filed and registered as R.C.C. No. 1059 of 2025. The learned Magistrate issued process on 24.12.2025. accused no 6 was amended her application,

with the leave granted on 16.01.2026, to challenge the charge sheet and the issuance of process.

6. The learned Advocate for the applicants submitted that the applicants have been implicated only because of their relationship with accused No.1. The allegations are vague, general and *omnibus*. Accused no. 6 and accused no. 5 were residing separately at Pune. The statements on the alleged demand are of close relatives of respondent No.2 and were recorded belatedly. There is no material to show that any applicant was present at, or knew of, the alleged earlier marriage of accused No.1.

7. The learned APP and the learned Advocate for respondent No.2 opposed the applications, submitting that the FIR and the statements of witnesses disclose the offences and that the role of the applicants is a matter for trial.

8. In ***State of Haryana and others vs. Bhajan Lal and others***, 1992 Supp (1) SCC 335, the Hon'ble Supreme Court held that proceedings may be quashed where the allegations, even if taken at face value, do not *prima facie* constitute any offence, or where they are manifestly attended with *mala fides.* In ***Geeta Mehrotra and another vs. State of Uttar Pradesh and another***, (2012) 10 SCC 741, it was held that a casual reference to family members, without specific allegations of active involvement, does not justify taking cognizance. In ***K. Subba Rao and others vs. State of Telangana***, (2018) 14 SCC 452, it was held

that relatives of the husband should not be roped in on omnibus allegations unless specific instances of their involvement are made out. The same principle was reiterated in ***Kahkashan Kausar alias Sonam and others vs. State of Bihar and others***, (2022) 6 SCC 599.

9. I have perused the FIR and the charge sheet. The dispute arises out of matrimonial differences between respondent No.2 and accused No.1. Against the applicants, the allegations are made in common with the other accused. It is not stated which applicant made what comment, when, or in what manner. No specific date, incident or overt act is attributed to any of them. Such general allegations do not make out cruelty within the meaning of Section 498-A of the IPC.

10. The demand of Rs.40 lakhs is also attributed to all the accused in common, without stating who made it and when. A mere demand is not sufficient in Section 498-A of the IPC, there must be harassment with a view to coercing the woman or her relatives to meet the demand. No such specific harassment by any applicant is stated. The only particular in the FIR is the alleged payment of Rs.25 lakhs to accused no. 8 on 09.07.2023. In support of it, the charge sheet contains the statements of Shivanand Ubale and Rangnath Sarode, who are the uncles of respondent No.2. Those statements were recorded on 27.06.2025 and 29.06.2025, about two years after the alleged payment, and refer only to accused no 2 and accused no. 8. Apart from these bare statements, there is no material regarding the demand or the payment.

11. Accused no. 6 and accused no. 5 were married on 28.06.2021. They rely on a leave and license agreement dated 08.07.2023 to show that they were residing at Pune, more than 400 km away from the matrimonial house of respondent No.2. On her case, accused No. 6 was at her parental house at Nanded during her pregnancy. The medical record and birth certificate show that she gave birth at Gargi Hospital, Nanded, on 01.09.2023 and was discharged on 04.09.2023. The discovery of the messages, after which ill-treatment is alleged, is itself dated 01.09.2023. accused no. 7 is residing at Germany. In this background, the common allegations against these applicants are all the more improbable. Nothing specific is alleged against accused no. 3 and 4.

12. Sections 494 and 495 of the IPC apply to a person who marries again during the lifetime of a spouse, the latter where the former marriage is concealed from the person with whom the subsequent marriage is contracted. The alleged second marriage is of accused No.1. None of the applicants is alleged to have contracted such a marriage. The statement of Ritesh Ovhal, who claims to have solemnized the alleged earlier marriage, does not state that any applicant was present. The statements of Vilas Shirsath and Devidas Jadhav do not show that the applicants knew of it. There is thus no material to connect the applicants with these offences. Whether the alleged earlier marriage is proved is not a matter for consideration in these applications.

13. As regards Sections 323, 504 and 506 of the IPC, no specific injury, insulting words or threat, with date and particulars, is attributed to any applicant.

14. Even if the allegations are taken at face value, the ingredients of the offences are not made out against the applicants. The case falls within the principles laid down in ***Bhajan Lal*** (supra), and continuation of the proceedings against them would be an abuse of the process of law. As the proceedings cannot survive against the applicants, the order issuing process also cannot stand to that extent. The observations in this judgment are confined to these applications and shall not affect the trial against the remaining accused, which shall proceed on its own merits.

15. Hence, the following order:

ORDER

(a) Criminal Application No. 3519 of 2025 and Criminal Application No. 1314 of 2026 are allowed.

(b) The First Information Report bearing Crime No. 0255 of 2024 dated 03.04.2024, registered with M.I.D.C. Police Station, Latur, the chargesheet and the consequent R.C.C. No. 1059 of 2025 pending before the learned Judicial Magistrate First Class, Latur, are quashed and set aside *qua* the applicant in Criminal Application No. 3519 of 2025 and the applicants in Criminal Application No. 1314 of 2026.

(c) The order dated 24.12.2025 passed in R.C.C. No. 1059 of 2025, issuing process, is quashed and set aside *qua* the said applicants.

(d) Both the applications stand disposed of accordingly.

(SUSHIL M. GHODESWAR, J.)