IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1271 OF 2025

Mangesh S/o Ramrao Suryawanshi
(Brother-in-law) ..APPLICANT
(Orig. Accused)

VERSUS

1] The State of Maharashtra

2] Pooja W/o Prafull Suryawanshi
(Original Informant) ..RESPONDENTS
(Resp. No.2 is the Orig. Informant)

Mr. P. P. More, Advocate for the Applicant.
Mr. V. M. Lomte, APP for Respondent No.1/ State.
Ms. Samta S. Pathare, Advocate (appointed) for Respondent No.2/ Informant.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 29th OCTOBER, 2026

PER COURT :

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

2. The applicant is the brother of Prafull Suryawanshi, the husband of respondent No.2/ informant.

3. By this application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023, the applicant is challenging FIR

bearing Crime No.0703/2024 dated 24.10.2024 registered with the Gandhi Chowki Police Station, Latur, Tq. & Dist. Latur, at the behest of respondent No.2 for the offences punishable under Sections 494, 498-A, 323, 504, 506 and 507 read with Section 34 of the Indian Penal Code.

4. As per the report lodged by respondent No.2/informant, her marriage with Prafull Suryawanshi took place on 20.06.2014. It is alleged that after about two years of marriage, the in-laws started harassing her physically and mentally and demanded money from her parents for household expenses, and her husband, who was addicted to liquor used to assault her and had an extra-marital relationship with one Priyanka. It is alleged that the applicant told her that she informant was from a poor family and that his brother would get more dowry, if he performs a second marriage. It is further alleged that in February 2024, the husband and in-laws demanded Rs.5,00,000/- for purchasing a car, and on 15.03.2024 drove her out of the house and on 13.04.2024, her husband performed a second marriage with Priyanka, in which the applicant played a vital role. It is also alleged that when she made inquiries in that regard, applicant abused her and threatened to kill her. As such, aforesaid FIR came to be registered at the behest of respondent No.2 on 24.10.2024.

5. In pursuance of the aforesaid FIR, investigation was set in motion and after completion of investigation, charge-sheet was filed and proceeding bearing R.C.C. No.29/2025 which is pending before the learned Judicial Magistrate, First Class, Latur.

6. Learned advocate for the applicant submitted that

applicant is serving in Police Department since 23.09.2013, i.e. prior to the marriage of respondent No.2 and has been residing with his own family at his place of posting in Thane District, and never shared the household of respondent No.2 and her husband. He submitted that respondent No.2 had been residing at her parental house at Latur since October 2023, and on 15.03.2024 and 13.04.2024, the applicant was on duty at his place of posting. He further submitted that respondent No.2 herself lodged a missing report with Bhigvan Police Station on 05.07.2024 stating that her husband had left the house on 13.04.2024, which belies the allegation of a second marriage on that day, and the applicant has been implicated only because he is in service. Hence, continuation of the prosecution would amount to an abuse of the process of law.

7. Per contra, learned APP appearing for respondent No.1/State as well as learned advocate appointed for respondent No.2/informant strongly opposed the instant application. They submitted that specific allegations are made against the applicant and his role is a matter to be decided at the time of trial. Hence, they prayed for rejection of the instant application.

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 inherent powers to quash criminal proceedings, including where the allegations, even if taken at their face value, do not constitute any offence, or where the proceedings are manifestly attended with mala

fides. Further, in ***Preeti Gupta v. State of Jharkhand***, (2010) 7 SCC 667, ***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 applicant, therefore, needs 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 and the material on record, it is found that the FIR is the outcome of matrimonial differences between respondent No.2 and her husband. The specific allegations of assault, addiction and extra-marital relationship are against the husband. The applicant has been serving in the Police Department since before the marriage and was residing separately at his place of posting and the allegations of harassment and demand of money against the in-laws are general in nature, without any specific date, incident or overt act attributed to the applicant. Insofar as Section 494 of the Indian Penal Code is concerned, it is the husband who is alleged to have contracted the second marriage and the allegation that the applicant played a vital role in it is bald, without any particulars. Moreover, respondent No.2 herself lodged a missing report on 05.07.2024 stating that her husband had left the house on 13.04.2024, which is inconsistent with her allegation that the second marriage was

performed with the help of applicant on that day. The allegation that the applicant abused and threatened her when she made inquiries is also vague, without any date, time or place. The marriage took place in the year 2014 and FIR came to be lodged only on 24.10.2024. Such allegations are insufficient to justify the continuation of criminal prosecution against the applicant.

10. In view of the aforesaid discussion, it is found that the applicant is implicated on account of his relationship with the husband of respondent No.2 and the allegations do not disclose his 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 applicant deserve to be quashed and set aside. Hence, the following order:

ORDER

(a) Criminal Application is allowed.

(b) FIR No.0703/2024 dated 24.10.2024 registered with Gandhi Chowki Police Station, Latur, Tq. & Dist. Latur, at the behest of respondent No.2 and further proceedings arising therefrom including R.C.C. No.29/2025 pending before learned Judicial Magistrate, First Class, Latur, are hereby quashed and set aside to the extent of the present applicant.

(c) Learned advocate Ms. Samta S. Pathare is appointed to represent respondent No.2 in this matter. Therefore, her

fees be quantified and paid to her as per rules by the High Court Legal Aid Services Sub Committee, Aurangabad Bench.

(SUSHIL M. GHODESWAR, J.)