IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1309 OF 2025

1. AKASH MOHAN NAGTILAK, brother-in-law.
AND
2. Rajkumari W/o. Mohan Nagtilak, mother-in-law.

VERSUS

1. THE STATE OF MAHARASHTRA
AND
2. Pooja W/o. Vikas Nagtilak.

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Shri Sushant Baburao Choudhari, Advocate for the Applicants.
Shri A.A.A. Khan, APP for Respondent No.1/ State.
Shri Kawade Ramraje D., Advocate for Respondent No.2.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 23 October 2026

P. C. :-

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

2. Applicant No.1 brother-in-law and applicant No.2 is mother-in-law of respondent No.2/ informant. The applicants are challenging FIR No. 0038/2025 dated 06.02.2025 registered at Dharashiv Rural Police Station, Tal. & Dist. Dharashiv for the

offence punishable U/Sec. 498-A, 323, 504, 34 of Indian Penal Code. It is alleged by respondent No.2/ informant that, her marriage with Vikas Mohan Nagtilak, who is also resident of her village, took place on 28.06.2021. The said Vikas is brother of applicant No.1 and son of applicant No.2. After her marriage, initially respondent No.2/ wife was treated well, however, the husband and the applicants used to physically assault and abuse her on account of petty issues. The accused persons also demanded Rs.5 lakhs for purchasing four wheeler vehicle since the husband got government job as Talathi. The applicants, however, used to support her husband and instigate him so that he should harass respondent No.2. Though there was attempt of conciliation at the Women Grievance Redressal Cell, however, same was not fruitful. As such, the aforesaid FIR came to be registered at the behalf of respondent No.2.

3. 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. 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.

4. *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.

5. 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.

6. 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 at the relevant time, applicant No.1 was perusing his studies at Barshi. The record

discloses that respondent No.2 was not residing with the family of the applicants since 2021 and there are several litigation pending between the parties. In such circumstances, if the FIR and the statements recorded by the Investigating Officer are perused, it is found that the allegations against the applicants are vague and general in nature. No specific incident, date or event has been stated in the FIR so as to attribute any specific overt act to the applicants. 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.

7. 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.

(b) FIR No. 0038/2025 dated 06.02.2025 registered at Dharashiv Rural Police Station, Tal. & Dist. Dharashiv at the behest of respondent No.2 and the further proceedings arising therefrom, are hereby quashed and set aside to the extent of the present applicants only.

kps (SUSHIL M. GHODESWAR, J.)