2026:BHC-AUG:53699

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

970 CRIMINAL APPLICATION NO. 1423 OF 2026

VIVEK MOHAN DEVKHILE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH
CRIMINAL APPLICATION NO. 1422 OF 2026

NEEL VIVEK DEVKHILE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH
CRIMINAL APPLICATION NO. 1428 OF 2026

GITANJALI VIVEK DEVKHILE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr Mangesh G. Patil, Advocate for Applicants
Mr A.A.A. Khan, APP for Respondent No.1/State
Mr Prasad Wakhare, Advocate (appointed) for Respondent No.2

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 27th OCTOBER, 2026

P. C. :

1. By these Criminal Applications filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants in all these applications are seeking quashing and setting aside the FIR bearing C.R. No.0985/2025 dated 11/11/2025, registered against them

at the behest of respondent No.2 with the Shrigonda Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 351, 352, 115(2), 85 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. As per the report lodged by respondent No.2/ complainant, her marriage with one Pruthviraj Sanjay Devkhile took place on 14/07/2024. The present applicants are the distant relatives of the said husband. Applicant Nos.1 and 2 in Criminal Application No.1423/2026 are the cousin father-in-law and cousin mother-in-law, respectively of respondent No.2/informant. Applicant in Criminal Application No.1422/2026 is cousin brother-in-law of respondent No.2 and applicant in Criminal Application No.1428/2026 is cousin mother-in-law of respondent No.2.

3. The informant alleged in her report that, after her marriage, she started residing with her husband and in-laws. She was treated well for 8 days. It is further alleged that her husband was serving at Thane and her in-laws teased her on trifle reasons. She also alleged that her husband also harassed her and in-laws demanded Rs.15,00,000/- from her. In addition to these allegations, respondent No.2 also alleged that the present applicants who are the distant

relatives of her husband also abused and physically assault her and instigated her husband to divorce her. With these allegations against the present applicants, the aforesaid FIR has been lodged by respondent No.2.

4. The learned counsel for the applicants submitted that the applicants have been implicated in the crime on account of their relationship with the husband of the informant. According to him, the applicants are not family members of the complainant and are distant relatives, unconcerned with family affairs of respondent No.2 and her husband. They have been falsely implicated in the crime and have no concern with the crime in question. Only allegations against them that they asked her husband to divorce respondent No.2 and no specific role has been assigned to any of the applicants, and therefore, the continuation of the criminal proceedings against them would amount to an abuse of the process of law. Hence, he prayed for quashing of the FIR.

5. Per contra, the learned APP strongly opposed the instant application. He submitted that sufficient material is available against the applicants. He referred to the statements of the witnesses recorded by the Investigating Officer and submitted that the applicants had

abetted the crime in question. He, therefore, prayed for rejection of the instant application.

6. The learned counsel for respondent No.2/ informant also strongly opposed the instant application. According to him, sufficient allegations have been made against the applicants and they have played major incriminating role in the crime in question. Their participation would be established at the time of trial. 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, the learned counsel for respondent No.2 prayed for rejection of the instant application.

7. After going through the FIR in question as well as the statements recorded by the Investigating Officer, it is found that this is a clear case of over implication of the applicants, who are distant relatives of husband of complainant. The applicants have been implicated as accused on account of their relationship with the husband of respondent No.2. The allegations against them are found to be 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.

8. It is further found that the FIR has been lodged as a result of matrimonial differences between the husband and wife and that these distant relatives of the husband have been implicated on account of their relationship with him. 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.

9. The Hon’ble Supreme Court in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335,** recognized the power of the High Court to quash criminal proceedings in appropriate cases where the allegations do not disclose an offence or where the proceedings fall within the recognized categories warranting interference to prevent abuse of the process of law.

10. The Hon'ble Supreme Court, in the case of **Geeta Mehrotra v. State of Uttar Pradesh, (2012) 10 SCC 741**, observed that, in matrimonial disputes, there is tendency to implicate the

relatives of the husband without specific allegations disclosing their involvement in the alleged offences. Such relatives may be compelled to face criminal proceedings despite there being no specific material indicating their involvement. The Hon'ble Supreme Court has, therefore, recognized the need to examine whether the allegations against the relatives of the husband disclose a prima facie case or whether their implication would amount to an abuse of the process of law.

11. In view of the aforesaid discussion, it is found that the allegations against the applicants, as reflected in the complaint, are general in nature and that no specific overt act has been attributed to them. The applicants appear to have been implicated on account of their relationship with the husband of respondent No.2. Therefore, in order to prevent the abuse of the process of the Court and to secure the ends of justice, the instant applications deserve to be allowed and the criminal proceedings against the applicants deserve to be quashed and set aside. Hence, the following order:

ORDER

(a) All these Criminal Applications are allowed.

(b) The FIR bearing C.R. No.0985/2025 dated 11/11/2025, registered at the behest of respondent No.2 with the Shrigonda Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 351, 352, 115(2), 85 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, is quashed and set aside to the extent of present applicants.

12. Fees of learned Advocate appointed to represent respondent No.2 in all these applications is to be paid through the High Court Legal Services Sub-Committee, Aurangabad as per Rules.

[SUSHIL M. GHODESWAR, J.]

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