IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1838/2024

1.Onkar Digambar Swami (Father-in-law)
2. Sou. Sulochana Onkar Swami (Mother-in-law)
3. Shubhangi Santosh Swami (Sister-in-law)
4. Ashwini Shivsambh Swami (Sister-in-law)
5. Shivsambh Ishwar Swami (Brother-in-law) ...Applicant

Versus

1.The State of Maharashtra
2. Nivedita Sagar Swami ...Respondents

Mr. Suresh P. Salgar, Advocate for Applicants
Mr. S. S. Gangakhedkar, Advocate for Respondent No. 2
Mr. S. P. Joshi, APP for Respondent - State

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CORAM : R.M. JOSHI, J
DATE : OCTOBER 01, 2026

P. C. :

1. By this application, Applicants seek quashment of First Information Report bearing Crime No. 71/ 2024, registered at Bhagyanagar Police Station, District Nanded for offences punishable under Sections 498-A, 323, 504, and 506 read with Section 34 of the Indian Penal Code, order of issuance of process dated 10.03.2025 and the proceedings pending before the learned Chief Judicial Magistrate, Nanded in RCC No. 325 of 2025.

2. According to the prosecution, informant/respondent no. 2 Nivedita Sagar Swami registered the present FIR against the applicants and

her husband. The informant was married to the accused, Sagar Onkar Swami, on 25.04.2022 as per Hindu rites and customs. At the time of the wedding, her parents provided Rs. 5 lakhs in cash to the in-laws to purchase household articles and cover wedding expenses. The husband of the informant is an engineer who worked at Pune, and initially, the informant resided with her husband and applicants no. 1, 2, and 3 at Ardhapur, Nanded. The in-laws of the informant treated her well for about a month, however thereafter started subjecting her to physical and mental harassment over the unlawful demand of a four-wheeler car and Rs. 10 lakhs from her parents. On 17.03.2023, she accompanied her father to reside with her husband at Thane, Mumbai. However, the husband of the informant continued to quarrel with her upon receiving phone calls from applicant no. 2 and his sisters. Subsequently, as the informant wanted to pursue further studies in engineering, she secured admission in November 2023 at Nanded; however, her husband and applicants no. 1 and 2 opposed her education, harassed her, and turned her out of the matrimonial home without food, forcing her to return to her parental house in Nanded. On 26.04.2023, the husband of the informant physically assaulted her with kicks and blows, verbally abused her, drove her out of the house in Thane, Mumbai, and demanded that she bring Rs. 10 lakhs or a four-wheeler from her parents. After returning, when she visited her matrimonial house at Ardhapur the following day, the applicants refused her entry, verbally abused her,

physically assaulted her, and threatened to kill her if she returned. Subsequently, mediation attempts at the Superintendent of Police Office Women's Cell, Nanded, failed as the husband of the informant refused reconciliation. Therefore, the present FIR came to be registered.

3. The counsel for the applicants submitted that the allegations in the FIR fail to disclose the offences registered. It is contended that the applicants never shared a common household with the informant, as applicants no. 3 and 4 are married sisters-in-law who reside separately with their husbands, whereas applicant no. 5 was on official parade duty on the date of the alleged incident. It is also highlighted that applicants no. 1 and 2 are the aged parents of the husband. The present FIR filed against the applicants is nothing but a counterblast because the husband of the informant had previously filed a non-cognizable complaint against the informant and her father, wherein the informant allegedly confessed through WhatsApp chats. It is further argued that the informant had already booked tickets on the date of the alleged incident from Thane to Nanded. Counsel for the applicants relied upon the judgments of the Hon’ble Supreme Court in the cases of Geeta Mehrotra v. State of Uttar Pradesh, (2012) 10 SCC 741 and Kahkashan Kausar v. State of Bihar, (2022) 6 SCC 599.

4. The learned APP and the learned counsel for the informant submitted that the present FIR filed against the applicants has made out a clear prima facie case established against all applicants. It is contended that the statements of witnesses and investigation papers show that the informant was subjected to persistent physical and mental harassment. She was driven out of her matrimonial house, and threatened by the applicants on 26.04.2023 on account of the non-fulfillment of the demand of dowry of Rs. 10 lakhs for purchasing a four-wheeler, with specific overt acts attributed to each applicant. It is further argued that the facts regarding separate residence, duty allotment registers, and the context of WhatsApp chats involve disputed questions of fact that cannot be adjudicated at this stage and must be tested during trial. They contended that the allegations in the FIR are neither vague nor omnibus.

5. Perusal of the record and documents placed on record shows that the allegations made in the FIR are vague and falsely attributed toward the present applicants. The allegation made against the applicants in the present FIR that she was driven out of the matrimonial home on 26.04.2023 is false, whereas evidence placed on record clearly shows that she had already booked railway tickets from Thane to Nanded and as such this court finds substance in the contentions of counsel for applicants that taking advantage of the said date of travel to parental home, false allegations are

made. Applicants reside separately from the matrimonial home of the informant. Applicant nos. 3 and 4 are married sisters of the husband of the informant who reside separately with their families in different cities, whereas applicant no. 5 was present on duty at the time of the alleged incident. Therefore, as held by the Hon'ble Supreme Court in case of ***Geeta Mehrotra v. State of Uttar Pradesh (supra)*** and ***Kahkashan Kausar v. State of Bihar (supra)***, distant relatives cannot be forced to undergo trial. Furthermore, as the allegations against the present applicants are vague and false, and the husband of the informant filed a non-cognizable report against the informant and her father, the present FIR is nothing but a counterblast to that incident. Therefore, continuing criminal prosecution against the applicants would clearly be an abuse of the judicial process as held in case of ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335.***

6. In view of the above, the application stands allowed in terms of prayer clauses 'B', 'B-1', and 'B-2'.

M. JOSHI, J.)

Malani