**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**BENCH AT AURANGABAD**

**946 CRIMINAL APPLICATION NO. 1675 OF 2025**

1. Sunil s/o Ganpat Lahane
2. Sagarabai w/o Ganpat Lahane
3. Subhash s/o Ganpat Lahane
4. Usha w/o Subhash Lahane
5. Vaibhav s/o Dattatraya Padmukh
6. Tarabai w/o Uttam Kole
7. Anushka d/o Subhash Lahane
8. Priya d/o Uttam Kole
9. Anand s/o Uttam Kole
10. Meena s/o Mohan Balraj
11. Mohan s/o Kaluba Balraj

VERSUS

1. State of Maharashtra,
thr. P.S.O., P.S. Maujpuri,
Dist. Jalna

2. Nita w/o Sunil Lahane

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Mr R. A. Jaiswal, Advocate for Applicants
Mr M. A. Aher, APP for Respondent No.1/State
Mr I. K. Wagh, Advocate h/f Mr K. M. More, Advocate for Respondent No.2

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**CORAM : SUSHIL M. GHODESWAR, J.**

**DATE : 14th OCTOBER, 2026**

**P. C. :**

1. Heard Mr Jaiswal, learned Advocate for Applicants, Mr. Wagh, learned Advocate h/f Advocate Mr More for respondent No.2 and Mr Aher, learned APP for respondent No.1/ State.

2. By this application, the applicants are seeking quashing of Crime No.240/2024, registered with the Maujpuri Police Station, District Jalna, for the offences punishable under Sections 85, 115(2), 351(2), 351(3), 352 read with 3(5) of Bhartiya Nyaya Sanhita, 2023, as well as proceedings bearing R.C.C. No.1024/2024.

3. The aforesaid crime came to be registered at the behest of respondent No.2/informant, who alleged that her marriage was solemnized with applicant No.1 on 20/05/2018. Her in-laws and their extended relatives routinely instigated her husband against her. They regularly assaulted her with fists and slaps, locked her inside, starved her, and threw her out of the house at night. They also taunted her regarding her cooking. Furthermore, it is alleged that they demanded Rs.5,00,000/- from her parents to clear their debts. They threatened to kill her if she did not leave, stating that they wanted to remarry her husband to Priya, her sister-in-law's sister. When she returned to her matrimonial home with her brother and sister-in-law to resolve the issue, the accused verbally abused and assaulted them. With all these allegations, she lodged the aforesaid complaint on 22/08/2024. Accordingly, Crime No.240/2024 came to be registered with Maujpuri Police Station, District Jalna, for the aforesaid offences. After completion of the investigation, the charge-sheet came to be filed

before the learned Judicial Magistrate First Class, Jalna on 25/11/2024 vide R.C.C. No.1024/2024.

4. Learned Advocate Mr Jaiswal for the applicants submits that a bare perusal of the FIR and the statements of the witnesses reveals that no *prima facie* case is made out against the applicants since the ingredients of the alleged sections could not be made out against them. He submits that the present crime is filed against the applicants with an ulterior motive to grab them in a serious crime. He further submits that the respondent/informant had levelled general and vague allegations of harassment against all the applicants, implicating them in serious offences. He submits that there is delay in lodging FIR. Therefore, according to learned Advocate for the applicants, no *prima facie* case is made out against the applicants, and the present crime as well as the proceedings bearing R.C.C. No.1024/2024 deserve to be quashed. He, therefore, prays for allowing this application.

5. *Per contra*, Mr. Wagh, learned Advocate for respondent/informant, strongly opposes the instant Criminal Application. He draws attention of this Court to the statements of the informant as well as her mother to contend that the informant had been subjected to harassment by the applicants. He, therefore, submitted

that the instant application deserves to be rejected and that the applicants should face trial.

6. After going through the submissions of the learned Advocates for the parties, I have gone through the First Information Report, the statements of the witnesses and the material collected during the course of investigation, as placed on record. It appears that, the marriage of respondent No.2 with applicant No.1 was solemnized on 20/05/2018. The allegations in the FIR relate to matrimonial discord and alleged harassment at the matrimonial home. Respondent No.2 has alleged physical assaults, ill-treatment, denial of food, confinement, taunts concerning cooking, a demand for Rs. 5,00,000/- and threats allegedly extended to her. She has also alleged that, when she visited the matrimonial home along with her brother and sister-in-law to resolve the dispute, the accused abused and assaulted them.

7. The allegations in a matrimonial dispute must undoubtedly be viewed seriously. However, the mere fact that a complaint has been lodged by a wife against her husband and his relatives does not justify either the prosecution of every person named therein or the quashing of the proceedings. The Court is required to examine whether the allegations and the material collected during the

investigation, disclose the essential ingredients of the offences alleged against accused/applicant.

8. On a careful examination of the allegations, it appears that the informant has attributed acts of harassment and ill-treatment to the applicants collectively. Every matrimonial dispute, domestic disagreement does not, by itself, amounts to cruelty under law. The allegations must be examined in their entirety to ascertain whether the alleged conduct falls within the scope of the provision. In the present case, the statements of the informant and her mother merely reproduce general allegations of harassment.

9. A general allegation that the informant was assaulted by the accused may not be sufficient to sustain the prosecution against persons arraigned as an accused. The provisions cannot be invoked merely because several persons have been named in the same FIR.

10. It is true that respondent No.2 lodged the FIR on 22/08/2024, whereas her marriage with applicant No.1 was solemnized on 20/05/2018. The applicants have relied upon the delay in lodging the FIR as one of the grounds for seeking quashing of the proceedings.

11. The learned Advocate for respondent No.2 has placed reliance upon the statements of the informant and her mother and has

contended that the allegations therein sufficiently disclose harassment at the hands of the applicants. The statements of the informant and her mother constitute relevant material for the purpose of examining the prosecution case. However, the mere repetition or corroboration of general allegations does not resolve the question whether the essential ingredients of each alleged offence are disclosed against the applicants. The Court is required to examine the substance of the allegations attributed against the accused.

12. The allegations, even if accepted as true, do not make out a prima facie case against the accused and continuing the criminal proceedings against them would amount to an abuse of the process of law.

13. The Hon'ble Apex Court in the case of **State of Haryana Vs. Bhajanlal, 1992 Supp (1) SCC 335** observed that "where the allegations are absurd and inherently improbable on the basis of which, no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused," the prosecution against accused can be quashed. It is also observed that prosecution can also be quashed if criminal proceedings manifestly attended with mala fide and

with an ulterior motive for wreaking vengeance with a view to spite him due to personal grudge.

14. After going through the entire charge-sheet, it reveals that the informant, with a view to harass the applicants, has deliberately implicated them in the report.

15. In view of the foregoing discussion, and subject to the material on record satisfying the aforesaid requirements, this Court is of the considered view that continuation of the criminal proceedings against the applicants would amount to an abuse of the process of law. Consequently, the application deserves to be allowed. Hence, I pass the following order :-

**ORDER**

(i) The Criminal Application is allowed.

(ii) Crime No.240/2024, registered with Maujpuri Police Station, District Jalna, for the offences punishable under Sections 85, 115(2), 351(2), 351(3), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, and the consequential proceedings bearing R.C.C. No.

1024/2024, pending before the learned Judicial Magistrate First Class, Jalna, are hereby quashed and set aside.

**[SUSHIL M. GHODESWAR, J.]**

sjk