IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1817 OF 2025

1] Dadasaheb s/o Khanderao Borade
(Father-in-law of the deceased)

2] Rameshwar s/o Dadasaheb Borade
(Brother-in-law of the deceased)

3] Shardabai w/o Dadasaheb Borade
(Mother-in-law of the deceased) ..APPLICANTS

(Orig. Accused Nos. 1, 2 & 3)

VERSUS

1] The State of Maharashtra

2] Dipak s/o Annasaheb Patil ..RESPONDENTS

(Resp. No. 2 is the
Orig. Complainant)

….

Ms. Ashwini P. Patil, Advocate h/f Mr. S. A. Ambad, Advocate for the Applicants
Mr. M. A. Aher, APP for Respondent No. 1
Mr. Amit A. Yadkikar, Advocate for Respondent No. 2

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 27th OCTOBER 2026

P. C. :

1. The present application is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 by the original accused nos.

2 to 4, seeking quashment of Regular Criminal Case No. 1538 of 2022, pending before the learned Judicial Magistrate First Class, Latur, arising out of charge-sheet No.196/2022 filed on the basis of FIR bearing C.R. No.0023/2022, dated 31.01.2022, registered with Murud Police Station, Tq. & Dist. Latur, for the offences punishable under Sections 306, 498-A, 323, 506 read with Section 34 of the Indian Penal Code.

2. Respondent no. 2 Dipak Annasaheb Patil is the father of the deceased Juilee, who was married to Gajanan Dadasaheb Borade on 25.08.2018. It is by the complainant that, he spent about Rs.20 lakhs on the marriage of Juilee. He also had given material for photography worth Rs.16 lakhs to his son-in-law. Applicant no. 1 is father-in-law; applicant no. 2 is brother-in-law and applicant no. 3 is mother-in-law of deceased Juilee. As per the complaint, after a month of the marriage, the deceased stayed at matrimonial home at Gotegaon alongwith all the accused persons. They all ill-treated her on account of not doing household work. They also demanded Rs. 40 lakhs for starting a hotel at Germany. Thereafter, the deceased went with her husband to Dresden, Germany, where the husband used to beat her and demanded money under the influence of liquor. Therefore, she returned to India on 18.03.2019 due to harassment and resided at

matrimonial house. At that time, informant and his relatives had persuaded that Juilee should not be harassed but still accused persons were making demand of money and harassing her physically and mentally. Juilee used to be under stress at that time. It is further alleged that, she filed a complaint bearing P.W.D.V.A. No.173/2022 under the Protection of Women from Domestic Violence Act, 2005 on 19.03.2020. It is further alleged that, on account of ill-treatment by her in-laws, she committed suicide on 25.01.2022 at the house of the complainant at Murud, and on that basis the F.I.R. was registered on 31.01.2022.

3. Learned counsel for the applicants submitted that the applicants were residing at Gotegaon, Dist. Beed, separately from the deceased and her husband, and that the allegations against them are omnibus, without any specific act, date or incident. She pointed out that, as per the deceased's own application under the Protection of Women from Domestic Violence Act, 2005, she resided at Aurangabad since 03.05.2019 and she committed suicide at the house of the complainant himself. She further submitted that this Court, by order dated 27.01.2025 in Criminal Application No. 1033 of 2022, has already quashed the case against the other accused nos. 4 to 8, and that the continuation of the prosecution against the present applicants, who

are senior citizens, would be an abuse of the process of law. She, therefore, prayed for quashing of FIR and the consequential criminal proceedings against the present applicants by allowing the present application.

4. Per contra, the learned APP and the learned counsel for respondent no.2 opposed the application. They submitted that the complaint discloses ill-treatment of the deceased by her in-laws for the demand of money, which led to her suicide, and that whether the applicants abetted the suicide, is a matter for trial.

5. After hearing the learned Advocate for the applicants, learned APP and the learned Advocate for respondent No.2, I have gone through the entire material placed before this Court. The issue for determination is whether the allegations in the F.I.R. and the charge-sheet, even if accepted at their face value, disclose the alleged offences against the applicants. In ***State of Haryana v. Bhajan Lal*** **(1992 Supp (1) SCC 335)**, the Hon'ble Supreme Court has laid down the categories of cases in which the inherent power may be exercised to quash proceedings, including cases where the allegations, even if taken at their face value, do not disclose an offence. In ***Geeta Mehrotra v. State of Uttar Pradesh*** ((2012) 10 SCC 741) and

Kahkashan Kausar v. State of Bihar ((2022) 6 SCC 599), it has been held that general and omnibus allegations against the relatives of the husband, without specific role, cannot sustain prosecution and that courts must carefully scrutinize such allegations to protect innocent relatives.

6. Perusal of the complaint shows that the allegations against the applicants are general in nature. The alleged ill-treatment and demand of Rs. 40 lakhs relate to the first month of the marriage in the year 2018 and are attributed to “all” the accused, without any specific act, date or incident against any of the present applicants. Thereafter, as per the complaint itself, the alleged beating and demand of money took place in Germany at the hands of the husband, and the deceased resided separately at Aurangabad from 03.05.2019 till her death. No act of cruelty, assault or criminal intimidation by the applicants during this period is alleged. The offences under Sections 498-A, 323 and 506 of I.P.C. are, therefore, not made out against the applicants.

7. As regards Section 306 of I.P.C., it requires abetment of the suicide within the meaning of Section 107 of I.P.C., i.e., instigation, conspiracy or intentional aid, through a proximate act of the accused. The deceased committed suicide at the house of the

complainant, more than three years after the alleged ill-treatment at Gotegaon, and no act of instigation by the applicants immediately preceding the death is attributed to them. Thus, the ingredients of Section 306 of I.P.C. are also not made out.

8. It is also relevant that this Court has already quashed the case against the other accused nos. 4 to 8 in Criminal Application No.1033/2022, against whom the same omnibus allegations were made in the same complaint. Thus, accepting the allegations at their face value, prima facie no case is made out against these applicants, and the continuation of the prosecution on such vague allegations, would be an abuse of process of law. This Court is, therefore, persuaded to exercise its inherent jurisdiction under Section 528 of B.N.S.S. Hence, the following order:-

O R D E R

i) The Criminal Application is allowed.

ii) Regular Criminal Case No. 1538 of 2022, pending before the learned Judicial Magistrate First Class, Latur, arising out of charge-sheet No.96/2022 filed on the basis of FIR bearing C.R. No.0023/2022, dated 31.01.2022, registered with Murud Police

Station, Tq. & Dist. Latur, for the offences punishable under Sections 306, 498-A, 323, 506 read with Section 34 of the Indian Penal Code, stands quashed and set aside insofar as the present applicants are concerned, namely 1) Dadasaheb s/o Khanderao Borade, 2) Rameshwar s/o Dadasaheb Borade and 3) Shardabai w/o Dadasaheb Borade.

[SUSHIL M. GHODESWAR, J.]

sjk