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

## CRIMINAL APPLICATION NO.2043 OF 2025

1. Vijaykumar Shankar Nabde (Husband),
2. Shantabai Shankar Nabde (Mother In law),
3. Shankar Yashwant Nabde (Father In law),
4. Ashok Shankar Nabde (Brother In law),
5. Anita Rajkumar Waghmare (Sister In law )

VERSUS

1. The State of Maharashtra
And
2. Madhuri Vijaykumar Nabde (original Informant )

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Mr. Kiran P. Rathod, Advocate for the applicants.
Mr. A.A.A. Khan, APP for Respondent No.1/ State.
Mr.Bhosale Mahesh, Advocate for Respondent No.2/ complainant.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 26 October 2026

Per Court :-

1. By this Criminal Application filed under Section 482 of the Code of Criminal Procedure, the applicants are challenging FIR No.0177/ 2025 dated 15/05/2025 registered with the Shivaji Nagar Police Station, Latur at the behest of respondent No.2, for the offences punishable under Sections 498-

A, 323, 504, 506 read with section 34 of Indian Penal Code.

2. After completion of investigation, the charge-sheet No.140/2025 was filed on 09/06/2025 and the proceedings are registered as RCC No.625/2025 before the learned Judicial Magistrate, First Class, Latur wherein, the order of issuance of summons has been passed below Exhibit-1 on 02/01/2026. Thus, the applicants, by way of amendment to this Criminal Application, also sought to challenge the charge-sheet, the proceedings in RCC No.625/2025 and the order of issuance of summons dated 02/01/2026.

3. As per the report lodged by respondent No.2/ informant, her marriage with applicant No.1 / Vijaykumar Nabde took place on 25.04.2002 and out of the said wedlock, two children were born. Applicant Nos.2 to 5 are in-laws. After marriage, the applicants have treated her well for the period of 4 months only and thereafter, the applicants started abusing respondent No.2 on petty issues. Some in the year 2003, the applicants started demanding money from the parents of respondent No.2 for the purpose of service of applicant No.1/ husband and they threatened that if she fails to bring the same

then she would not be allowed to reside with them. Therefore, the parents of respondent No.2 gave Rs.3 lakhs. Thereafter also, the applicants started demanding the money from her parents and on that count, they used to abuse and harass her.

4. It is further alleged that, on 14.09.2013, the husband assaulted respondent No.2 and therefore, the complaint came to be lodged on 15.09.2013 and RCC No.610/2013 came to be registered against the present applicants. Thereafter also, the applicants continued to abuse and harass respondent No.2. 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.

5. The learned advocate for the applicants submitted that the applicants have been implicated in the crime on account of their relationship with the husband (applicant No.1). Respondent no.2 has previously set the criminal law in motion against the very same applicants on identical allegations. RCC No. 610/2013 was registered under section 498-A r/w 32 of the

Indian Penal Code before the learned JMFC, Latur. The same was tried and after hearing of the parties, the applicants have been acquitted vide order dated 30/10/2024. Thereafter, Respondent No.2 has filed another complaint i.e. RCC No. 36/2015 against the applicants for the offences punishable under section 498- A, 323, 504 r/w 34 of the Indian Penal Code and same was also tried by the learned JMFC, Latur. After hearing the parties, the learned JMFC, Latur has been pleased to acquit the present applicants vide order dated 11/4/2016. Thereafter, Criminal M.A No. 221/2014 filed under the provisions of the Protection of Women from Domestic Violence Act, 2005 was withdrawn on 13/02/2016. The learned advocate for the applicants, therefore, submits that, the present FIR is the third attempt to implicate the applicants on self-same allegations.

6. The learned Advocate for the applicants further submitted that there is no any allegation against the present applicants about any ill- treatment and only general allegations have been made against the applicants. Therefore, the allegations made against them are vague, false, fabricated and concocted and also general in nature and as such, no offence can

be made out against them. The FIR has been lodged after inordinate and unexplained delay. In the present FIR, the incident is quoted of the year 2003 and the FIR has been lodged on 15/5/2025. Therefore, the authenticity of the FIR comes under the cloud of doubt. Thereafter, the FIR lacks the specific accusation against the present applicants as there is no any specific, date, time and place has been mentioned in the FIR and only general allegations have been made against the applicants. Applicant No.5 is married sister- in- law and she resides separately and other applicants also reside separately. As no specific role has been assigned to any of the applicants, the continuation of the proceedings against them would amount to an abuse of the process of law. Hence, the learned advocate for applicants prayed for quashing of the FIR and proceedings arising therefrom.

7. *Per contra*, the learned APP strongly opposed the instant application. He submitted that sufficient material is available against the applicants. Applicant No.2 allegedly took away the gold ornaments belonging to the informant, drove her out of the matrimonial home, and demanded money from her. It

was further submitted that serious allegations have been levelled against the present applicants, who allegedly subjected the informant to mental and physical cruelty. In view of the nature and gravity of the allegations, the learned APP, therefore, prayed for rejection of the present application.

8. 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.

9. After going through the FIR in question as well as the statement recorded by the Investigating Officer, it is found that the applicants have been implicated as accused on account of their relationship with applicant No.1 (husband). Respondent no.2 had previously filed similar complaint on identical

allegations against the applicants, which was subsequently registered as RCC No. 610/2013 and after hearing of the parties, the applicants have been acquitted vide order dated 30/10/2024. Thereafter, Respondent No.2 had also filed another complaint i.e. RCC No. 36/2015 against the applicants with similar allegations wherein, the applicants were acquitted vide order dated 11/4/2016. Thereafter, Criminal M.A No. 221/2014 filed under the provisions of the Protection of Women from Domestic Violence Act, 2005 was withdrawn on 13/2/2016. This is the third attempt to implicate the applicants, however, there is delay in lodging aforesaid FIR.

10. Perusal of the present FIR and the statements recorded by the Investigating Officer would reveal that the allegations against them are found to be vague and general in nature. The said allegations were also made during the earlier proceedings by respondent No.2. No specific incident, date or event has been stated in the FIR so as to attribute any specific overt act to the applicants. 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.

11. 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. The aforesaid principles laid down by the Hon'ble Supreme Court need to be applied to the case in hand as the allegations against the applicants are general in nature and they have been implicated out of matrimonial dispute between the husband and wife.

12. In view of the aforesaid discussion, it is found that

the applicants are implicated on account of matrimonial dispute 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.0177/ 2025 dated 15/05/2025 registered with the Shivaji Nagar Police Station, Latur at the behest of respondent No.2 and the further proceedings arising therefrom, are hereby quashed and set aside.

*kps* (SUSHIL M. GHODESWAR, J.)