IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

75 CRIMINAL APPLICATION NO. 2051 OF 2025

Dadasaheb Dinkar Gonde And Others
VERSUS
The State Of Maharashtra And Another
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Mr. S. E. Shekade, Advocate for Applicants.
Mr. C. V. Bhadane, APP for Respondent – State.
Ms. Nikita Ragade h/for Mr. D. R. Kale, Advocate for Respondent No.2.
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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 2 NOVEMBER, 2026

PC:

1. Heard Mr. Shekade, learned counsel for the applicants, Mrs. Ragade, learned counsel holding for Mr. D. R. Kale, learned counsel for respondent No. 2, and Mr. Bhadane, learned APP for the State.

2. The instant application, as against applicant No. 1, husband has already been dismissed as withdrawn vide order dated 26 June 2025. The remaining applicants, who are the in-laws of respondent No.2, have challenged FIR No.139 of 2025 dated 23 February 2025, registered with Newasa Police Station, District Ahilyanagar, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860.

3. Respondent No.2 lodged FIR No.139 of 2025 on 23 February 2025.

As per respondent No. 2, her marriage with applicant No.1 took place on 5 May 2015. After the marriage, respondent No.2 started residing with her in-laws at village Jujgavhan, District Beed. Initially, for a period of three to four months, she was treated properly. However, thereafter, the applicants allegedly started ill-treating respondent No.2. Out of the said wedlock, she gave birth to a male child on 04 December 2017. Applicnat No.1 was unemployed, therefore, her in-laws demanded Rs.2,00,000/- for the purpose of securing employment for him in the Police Department. The said amount was allegedly to be paid by the father of respondent No.2 to applicant No.1 and her father-in-law. Thereafter, applicant No.1 secured employment in the Police Department on 15 December 2018. When applicant No.1 went for training, respondent No.2 was residing with the parents of applicant No.1. It is alleged that during that period, the parents of applicant No.1 harassed her. Respondent No.2 further alleged that, in the year 2021, her in-laws demanded Rs.5,00,000/- for the purpose of purchasing a flat in Mumbai. Since the said amount could not be paid, she, along with her son, was driven out of the matrimonial house. Thereafter, her in-laws allegedly threatened respondent No.2 that in case the amount of Rs.5,00,000/- is not paid, they will not allow applicant No. 1 to cohabit with her. Thus, matrimonial disputes arose between the parties. In the year 2023, she had approached the Bharosa Cell, SP Office,

Ahmednagar.

4. According to respondent No.2, her in-laws refused to take her back. Therefore, on 29 May 2024, she approached the Police Station for registering of crime. However, since her relatives intervened, she had not lodged the report at that time. Even thereafter, when her in-laws did not come forward to take her back to the matrimonial house, she lodged the report on 23 February 2025. On the basis of the said report, FIR No. 139 of 2025 came to be registered at Newasa Police Station, District Ahmednagar, for the offences punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860. The said FIR came to be registered against a total of five accused persons, including the applicants. Pursuant to the registration of the said FIR, the Investigating Officer recorded the statements of the witnesses and filed the charge-sheet before the trial Court.

5. Learned counsel for the applicants submitted that the instant application has already been dismissed as withdrawn against applicant No.1, who is husband of respondent No.2. However, the dispute in the present application is confined to applicant Nos.2 to 5. According to him, applicant Nos.2 and 3 are the aged parents-in-law of respondent No.2, whereas applicant No. 4 is the sister-in-law and applicant No. 5 is the husband of applicant No. 4.

6. He further submitted that it is respondent No.2 who deserted applicant No.1. When applicant No.1 was selected in the Police Department, he was undergoing training. Learned counsel for the applicants submitted that respondent No.2 did not wish to reside with applicant No.1 and, on the contrary, on her own, decided to reside with her parents at Newasa. He therefore submitted that as there was no response from respondent No.2 regarding reunion, applicant No.1 issued notices seeking restitution of conjugal rights. However, respondent No.2 neither replied to the said notice nor returned to the matrimonial home. Thereafter, applicant No.1 initiated divorce proceedings before the Family Court at Beed. After receiving notice of the divorce proceedings, respondent No. 2 allegedly lodged the instant FIR as a counterblast to the proceedings initiated by applicant No.1.

7. He submitted that all the allegations in the FIR are general in nature and that, even if the allegations are taken at their face value, no offences under Section 498-A of the IPC is made out against the applicants. He therefore prayed for allowing the application by quashing the FIR and the consequential proceedings.

8. Per contra, Mrs. Ragade, learned counsel holding for Mr. Kale, learned counsel for respondent No.2, strongly opposed the application. She submitted that as per the contents of the FIR, there is not only

sufficient material but serious allegations against the applicants. In view of the specific incriminating role attributed to the applicants, they do not deserve any relief by this Court.

9. She further submitted that applicant Nos.2 and 3, in particular, harassed her by demanding initially Rs.2,00,000/- and thereafter Rs.5,00,000/- from respondent No.2. Initially the amount was demanded for securing employment for applicant No.1. Since her father was not in a position to pay the said amounts, the applicants started harassing her for bringing the same. She therefore contended that such allegations are sufficient to attract the the provisions of Section 498-A of the IPC against the applicants. She therefore prayed for rejections of the instant application.

10. Mr. Bhadane, learned APP for the State, also opposed the application and submitted that sufficient material is available on record to prosecute the applicants before the trial Court. He therefore prayed for rejection of the instant application.

11. After hearing the learned counsel for the parties and going through the record, it is evident that the marriage of respondent No.2 with applicant No.1 took place on 5 May 2015. At the time of marriage, applicant No.1 was not employed. However, thereafter, there was a

demand of Rs.2,00,000/- for the purpose of securing employment for him in the Police Department. There is an allegation that the said amount was paid by the father of respondent No.2 to her in-laws. Eventually, applicant No.1 secured employment in the Police Department. However, for the purpose of undergoing training and discharging his duties, he had to leave the matrimonial home and go to Mumbai. It is an admitted position appearing on record that respondent No.2 did not accompany him and was residing with her parents since 2017. The record also discloses that applicant No.1 issued notices seeking restitution of conjugal rights and made efforts for reunion. Respondent No.2's failure to reply to the said notices is a circumstances which may be taken into consideration while examining the rival contentions.

12. Moreover, when respondent No.2 did not resume cohabitation with applicant No.1, her husband initiated divorce proceedings. It is also an admitted position on record that respondent No.2 thereafter lodged FIR No. 139 of 2025 on 23 February 2025. Having regard to the sequence of events, the possibility of the FIR having been lodged as a counterblast to the proceedings initiated by the husband cannot be ruled out.

13. Moreover, the allegations against applicant Nos.2 to 5 are general and omnibus in nature. No specific date or event has been mentioned by respondent No.2 regarding the alleged demand or harassment attributed

to each of the applicants. That being so, the case is covered by the principles laid down by the Hon'ble Apex Court in the cases of **Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335, Geeta Mehrotra v. State of Uttar Pradesh, (2012) 10 SCC 741, Kahkashan Kausar @ Sonam v. State of Bihar, (2022) 6 SCC 599** and **K. Subba Rao v. State of Telangana (2018) 14 SCC 452**, has observed that there is a tendency to implicate all the relatives of the husband in matrimonial disputes. In such circumstances, the exercising jurisdiction under Section 482 of the Code of Criminal Procedure, 1973, is required to examine whether the allegations against the relatives are specific and disclose the commission of an offence or are merely general and omnibus in nature. Hence the following order:

**ORDER**

(i) The Criminal Application is allowed to the extent of applicant Nos.2 to 5.

14. FIR No.139 of 2025 dated 23 February 2025, Charge-sheet and RCC No.544 of 2025, and the further consequential proceedings arising out of the said FIR, registered against the applicant Nos.2 to 5, are hereby quashed and set aside.

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