IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2103 OF 2025

PRABHAKAR MADHAV BARI (KATOLE) husband,
MADHAV KRISHNA BARI (KATOLE) father-in-law,
MIRABAI MADHAV BARI (KATOLE) mother-in-law,
SHUBHANGI MAHENDRA FUSE sister-in-law,
UJJAWALA MANISH RAUT sister-in-law,
MAHENDRA BHAGWAT FUSE brother-in-law,
MANISH PRAKASH RAUT brother-in-law
and
GOLAP SHANKAR BHUTE, known person.

VERSUS
THE STATE OF MAHARASHTRA
AND
JAGRUTI PRABHAKAR BARI

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Shri Katneshwarkar S.P., Advocate for the Applicants.
Shri M.A. Aher, APP for Respondent No.1/State.
Shri Patil Vinod Prakash, Advocate for Respondent No.2/ informant.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 23 October 2026

P. C. :-

1. Heard the learned advocates appearing for the respective parties.

2. At the outset, when this Court has shown

disinclination to entertain this application as regards the husband (applicant No.1 Prabhakar Bari), the learned advocate for the applicants seeks permission to withdraw the application to his extent.

3. Hence, this Criminal Application is dismissed as withdrawn to the extent of applicant No.1/ husband.

4. Insofar as other applicants are concerned, applicant Nos.2 to 7 are in-laws of respondent No.2/ informant and applicant No.8 is an acquainted person.

5. The applicants are challenging the proceedings arising out of FIR No.16/2025 dated 09.02.2025 registered with the Adawad Police Station, District Jalgaon, at the behest of respondent No.2/ informant for the offences punishable under Sections 115(2), 352 and 85 of the Bharatiya Nyay Sanhita, 2023.

6. As per the report lodged by respondent No.2/ complainant, her marriage with applicant No.1/ husband took place on 27.12.2020. The applicants are relatives of the said husband. After her marriage, initially respondent No.2/ wife was treated well and out of the said wedlock, one girl child is born.

However, after some time, the husband as well as his relatives started harassing respondent No.2 on petty issues. They also used to physically assault and abuse her on account of demand of Rs.10 lacs for construction of house. The husband also used to doubt her character and subjected her to continuous mental cruelty. The applicants, however, used to support her husband and instigate him. It is alleged that though the complaint was lodged with the Women Grievance Redressal Cell, however, no compromise took place. Therefore, respondent No.2 lodged the aforesaid FIR.

7. In pursuance of the aforesaid FIR, the investigation was set in motion and after completion of investigation, the charge-sheet was filed on 25.04.2025. Now, the proceedings bearing RCC No.102/2025 are going on before the learned Judicial Magistrate, First Class, Chopda.

8. The learned advocate for the applicants submitted that the applicants have been implicated in the crime on account of their relationship with the husband of the informant. They have been falsely implicated in the crime and have no concern with the crime in question. The learned counsel for the applicants

further submitted that the continuation of the criminal prosecution against them would amount to an abuse of the process of law and, therefore, they have approached this Court seeking quashing of the FIR in question.

9. *Per contra*, the learned APP appearing for the respondent/ State as well as the learned advocate appearing for the respondent/ informant strongly opposed the instant application. They submitted that sufficient material is available against the applicants. According to them, sufficient allegations have been made against the applicants and they have played major incriminating role in the crime in question. 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, they prayed for rejection of the instant application.

10. At this stage, it would be apposite to refer to few judgments of the Hon'ble Supreme Court. 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. In the case in hand, the allegations against the applicants, therefore, need to be examined in the light of the aforesaid principles laid down by the Hon'ble Supreme Court.

11. After going through the FIR in question as well as the statements recorded by the Investigating Officer, it is found that the FIR has been lodged as a result of matrimonial differences between the husband and wife and that the relatives of the husband have been implicated on account of their relationship with him. The allegations against the applicants are found to be vague and general in nature. No specific incident,

date or event has been stated in the FIR so as to attribute any specific overt act to the applicants. The FIR contains only vague and omnibus allegations against them. 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. Neither the contents of the FIR nor the statements recorded by the Investigating Officer disclose any specific overt act on the part of any of the applicants so as to attract the provisions of the penal sections invoked against them.

12. In view of the aforesaid discussion, it is found that the applicants are implicated on account of their relationship with the husband of respondent No.2 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 to the extent of

applicant Nos.2 to 8 and is dismissed as withdrawn to the extent of applicant No.1/husband.

(b) FIR No.16/2025 dated 09.02.2025 registered with the Adawad Police Station, District Jalgaon, at the behest of respondent No.2/ informant and the further proceedings arising therefrom, are hereby quashed and set aside to the extent of the present applicant Nos.2 to 8.

kps (SUSHIL M. GHODESWAR, J.)