IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2273 OF 2025

1] Arvind S/o Anantrao Kulkarni
2] Sulbha Wd/o Anantrao Kulkarni
3] Bhagyashree W/o Balwant Kulkarni
4] Balwant S/o Narayanrao Kulkarni
5] Abhay S/o Anantrao Kulkarni
6] Annada @ Ashwini W/o Abhay Kulkarni
...APPLICANTS/Accused

VERSUS

1] The State of Maharashtra,
2] Ashwini W/o Arvind Kulkarni
...RESPONDENTS

…

Shri Raviprasad K. Ashtekar, Advocate for the applicants.
Shri C.V. Bhadane, APP for respondent No.1/ State.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 27 October 2026

Per Court :-

1. Since on the last date i.e. 08.09.2026, none appeared for respondent No.2, therefore, this Court kept the matter today with clear understanding that if nobody appears, this Court would proceed with the matter in the absence of respondent

No.2. Today also, none appears for respondent No.2.

2. By this Criminal Application, the applicants are challenging the FIR in Crime No. 0415/2025 dated 18/05/2025, registered with M.I.D.C. Police Station, Latur, Tq. & Dist. Latur, for the offences punishable under Sections 85, 115, 352, 351(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. The applicants seek quashing of the F.I.R. and the further proceedings arising out of it.

3. After completion of investigation, the charge-sheet No. 365/2025 was filed on 20/09/2025 and the proceedings are pending before the judicial Magistrate, First Class, Latur wherein, the order of issuance of process has been passed on 16/12/2025 . Thus, the applicants, by way of amendment to this application, also sought to challenge the Charge-sheet, the proceedings in RCC No. 993/2025 and the order of issuance of process dated 16/12/2025.

4. As per the report lodged by Respondent No. 2/complainant, she was married to applicant No.1/ husband on 01/06/2005 and one son and one daughter were born of the wedlock. It is alleged that at the time of her marriage, her father

gave certain amounts and gold ornaments. One year after marriage, the husband and his relatives used to physically assault and abuse her on account of petty issues. She further stated that she was physically harassed and demanded Rs.5,00,000 for repayment of loan and construction of new home. Her in-laws, however, used to support applicant No.1 and instigate him so that he should harass respondent No.2. Thereafter, she stated that on 15/03/2025, the applicants assaulted her and abused her and drove her out of the matrimonial home. She went with both her children to her parents house and had been living there. 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 applicant Nos.2 to 6 have been implicated in the crime on account of their relationship with applicant No.1/ husband. 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. It is further submitted by the learned counsel for the applicants that, during the pendency of the instant application, the charge-sheet came to be filed before the learned Judicial Magistrate First Class, Nanded. Pursuant to the filing of the charge-sheet, the learned Judicial Magistrate First Class, Latur also issued process against the applicants in RCC No. 993/2025. There is nothing brought on record against the applicants.

6. The learned counsel for the applicants submitted that the FIR contains only vague and general allegations against the relatives of the husband, without attributing any specific overt act, date, time, or particular incident to them. 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 applicants prayed for quashing of the FIR and the proceedings arising therefrom.

7. The learned APP for respondent No.1/State opposed the application. It is submitted that the F.I.R. and the charge-sheet disclose allegations of harassment, cruelty and demand of

money against the applicants. The statements of the witnesses recorded during the investigation support the allegations and that sufficient material is available against the applicants. The prayer is made for rejection of the application.

8. The learned advocate for Respondent No.2/ informant also opposed the application. It is submitted that sufficient allegations are made against the applicants, their role would be established at the trial and that the disputed questions of fact cannot be gone into at this stage. Hence, it is prayed for rejection of the application.

9. At this stage, it would be apposite to refer to some judgments of the Hon'ble Supreme Court. In ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, the Hon'ble Supreme Court 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, including cases where the allegations, even if taken at their face value and accepted in their entirety, do not constitute any offence, and cases where the proceeding is manifestly attended with mala fides or instituted maliciously with an ulterior

motive for wreaking vengeance. 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, do not justify the continuation of criminal proceedings against them. The allegations against the applicants need to be examined in the light of the aforesaid principles.

10. After going through the F.I.R., the charge-sheet and the statements recorded by the Investigating Officer, it is found that the F.I.R. has arisen out of matrimonial differences between the complainant and her husband i.e. applicant No.1. The said differences were aggravated by the dispute over share in the ancestral property, and that the other family members have been implicated on account of their relationship with the husband. The marriage took place in the year 2005 and the couple has two

children. 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 F.I.R. or in the statements of the witnesses so as to attribute any specific overt act to each of the applicants.. It is further noticed that all the witnesses are relatives of the complainant and the statements repeat the same general story. Such bald allegations, in the absence of specific allegations disclosing the individual involvement of the applicants in the crime, are insufficient to justify the continuation of the criminal prosecution against them.

11. In view of the aforesaid discussion, it is found that the applicants are implicated on account of their relationship with the complainant's husband and the matrimonial dispute between the couple and that the allegations do not disclose their specific involvement in the offences alleged. The continuation of the proceedings against them would be an abuse of the process of the Court. 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) F.I.R. in Crime No. 0415/2025 dated 18/05/2025 registered with the M.I.D.C. Police Station, Latur, Tq. & Dist. Latur, at the behest of respondent No.2/informant and the further consequential proceedings arising out of the said FIR, are quashed and set aside.

kps (SUSHIL M. GHODESWAR, J.)