IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2429 OF 2025

1] Rahulraj Dadarao Mhaske
(Brother-in-law of the complainant)
2] Vandana Dadarao Sadashive
(Maternal aunt of Husband) ..Applicants

VERSUS

1] The State of Maharashtra
2] Seema Adityaraj Mhaske
(Orig. complainant) ..Respondents

...

Mr. Adil A. Shaikh h/f Mr. R.V. Gore, Advocate for the Applicants
Mr. A.A.A. Khan, APP for Respondent No. 1 – State
Mr. P.S. Anerao, Advocate for Respondent No.2.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 27th OCTOBER, 2026

PER COURT :

1. By this Criminal application filed under Section 528 of the Bharatiaya Nagarik Suraksha Sanhita, 2023, applicants are challenging First Information Report (for short "**F.I.R.**") bearing Crime No.0025/2025 dated 27/01/2025, registered with Mukundwadi Police Station, Chhatrapati Sambhajinagar, for the offences punishable under Sections 85, 115(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023. The applicants seek quashing of F.I.R. and proceedings arising therefrom.

2. After completion of investigation, Charge-sheet

No.141/2025 was filed on 09/07/2025 and proceedings are registered as RCC No.2089/2025 pending before learned Judicial Magistrate, First Class, Aurangabad, wherein order of issuance of summons to accused below Exh-1 has been passed on 02/09/2025 . Thus, the applicants by way of amendment to this Criminal Application, also sought to challenge the charge-sheet, proceedings in RCC No. 2089/2025 and order of issuance of summons to accused dated 02/09/2025.

3. As per report lodged by respondent No.2/ complainant, her marriage with accused No.1 (Adityaraj) was solemnized on 10/04/2022. The applicants are relatives of said Adityaraj/accused No.1. Applicant No.1 is Brother-in-law, applicant No. 2 is the Maternal Aunt of Husband of complainant.

4. The informant stated in her report that, after her marriage with Adityaraj, initially for 4-5 months, she was treated nicely thereafter, her in-laws quarreled with her on account of her non-employment and told falsehood about her to her husband, which resulted in quarrels between complainant and her husband. On 08/09/2024 at about 9:30 a.m., accused No.3 quarreled with the complainant and her husband and used filthy language because complainant and her husband used his motorcycle. It is alleged that accused No.1 told the complainant that applicant No.2 is in service in the Court and no one can take cognizance against her. It is further alleged that applicant No.2 told the complainant that she has high contacts, asked her not to live with her husband and told her to live at her parental home, and applicant No.1 told accused Nos.1 and 3 to

send the complainant to her parental home. On 12/09/2024 at about 3:30 p.m., the complainant asked accused No.1 about his first marriage; he confirmed it and ill-treated her, where-after she left the matrimonial home. On 14/09/2024, she made a complaint to the Women Redressal and Grievance Center, where accused No.1 submitted that they would live separately and would come to receive her on 20/12/2024. On the next day when she called him, he replied that he was in Mumbai and blocked her number. On the basis of the said report, the F.I.R. came to be registered.

5. In pursuance of the F.I.R., the investigation was set in motion and after completion of the investigation, the charge-sheet No. 141/2025 was filed on 09/07/2025. Now, the proceedings bearing R.C.C. No. 2089/2025 are pending before learned J.M.F.C., Chhatrapati Sambhajinagar (Aurangabad).

6. Mr. Shaikh holding for Mr. R.V. Gore, learned advocate for the applicants submitted that the applicants have been implicated only on account of their relationship with the husband of informant and have no concern with the alleged crime. It is submitted that applicant No.2 is a distant relative and is not a member of the family of complainant and resides separately with her own family. Applicant No.1 has no role in the quarrels between her and her husband. It is submitted that the F.I.R. is lodged by way of a counter-blast to the report lodged by accused No.1 against the relatives of respondent No.2, and the delay in lodging F.I.R. shows that the complaint is filed with mala fides and an ulterior motive. It is further submitted that the F.I.R.

is vague and omnibus, does not show which accused committed what offence and does not disclose specific role of the applicants. Even if the entire F.I.R. is accepted as it stands, no offence under Sections 115(2), 3(5), 352 and 85 of the B.N.S. is made out and the order of issuing summons dated 02/09/2025 has been passed without considering the material on record. Reliance is placed on the judgment of the Hon'ble Supreme Court in ***Kahkashan Kausar @ Sonam v. State of Bihar,*** (2022) 6 SCC 599).

7. Learned counsel for the applicants submitted that 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 process of law. Hence, the applicants prayed for quashing of the FIR and proceedings arising therefrom.

8. Learned APP for Respondent No.1–State opposed the application. It is submitted that the F.I.R. and charge-sheet disclose allegations of harassment and ill-treatment against the complainant and the statements of witnesses recorded during the investigation supports the allegations, and sufficient material is available against the applicants to proceed against them. The prayer is made for rejection of the application.

9. Learned counsel 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 it would be premature to quash the proceedings at this stage. The prayer is made for rejection of the application.

10. 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 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 laid down by the Hon'ble Supreme Court.

11. After going through the F.I.R., charge-sheet and 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 and the relatives of the husband have been implicated on account of their relationship with him. The marriage took place on 10/04/2022 and the couple had been residing separately from each other for some months before the F.I.R. was lodged. However, 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 discloses 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. It is also found that applicant No. 2 is the maternal aunt of the husband, who as submitted, is a distant relative residing separately with her own family at Harsul, Chhatrapati Sambhajinagar, and the F.I.R. does not state that she resided with the complainant or on which occasion she visited them. The only remaining allegation against her, that she has high contacts, even as attributed to accused No.1, does not constitute any offence in itself. Applicant No.1 is brother-in-law of the complainant and the sole allegation against him is that he told the other accused to send the complainant to her parental home without any date, occasion or act of ill-treatment attributed to him. It is further relevant that the husband of complainant had lodged Crime No. 0593/2024 on 13/09/2024 against the brothers of the complainant,

and the present F.I.R. was lodged on 27/01/2025, nearly four and a half months after the last incident mentioned therein.

13. 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 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 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. bearing Crime No. 0025/2025 dated 27/01/2025 registered with Mukundwadi Police Station, Chhatrapati Sambhajinagar, for the offences punishable under Sections 115(2), 3(5), 352 and 85 of the Bharatiya Nyaya Sanhita, 2023, is quashed and set aside insofar as the present applicants are concerned.

(c) The charge-sheet filed pursuant thereto and the proceedings arising therefrom including R.C.C. No.2089/2025 pending before learned Judicial Magistrate, First Class, Chhatrapati Sambhajinagar (Aurangabad), are quashed and set aside insofar as the present applicants are concerned.

(d) The order of issuing summons dated 02/09/2025 below

Exh.-1 passed by learned Judicial Magistrate, First Class, Chhatrapati Sambhajinagar (Aurangabad) in R.C.C. No. 2089/2025 to the applicants, is quashed and set aside insofar as present applicants are concerned.

(SUSHIL M. GHODESWAR, J.)