IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

45 CRIMINAL APPLICATION NO. 2559 OF 2025

Sumit Vinayak Ingale And Others
VERSUS
The State Of Maharashtra And Another
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Mr. Pratik Kothari h/f., Mr. S. S. Dixit, Advocate for Applicant.
Mr. V. M. Lomte, APP for Respondent – State.
Mr. S. B. Chaudhari, Advocate for Respondent No.2.
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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 12 OCTOBER, 2026

PC:

1. Heard Mr. Pratik Kothari, holding for Mr. S. S. Dixit, learned counsel for the applicant, Mr. Chaudhari, learned counsel for respondent No.2 and Mr. Lomte, learned APP for Respondent – State.

2. The applicants are seeking quashing and setting aside the Crime No.51 of 2025, dated 2 April 2025, registered with Amalner Police Station, Tq. Patoda, District Beed, for the offences punishable under Sections 80, 85, 351(1), 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and under Section 4 of Protection of Women from Domestic Violence Act.

3. Pursuant to the registration of the aforesaid crime, the investigating officer has also filed a charge-sheet. Mr. Kothari holding for Mr. Dixit, learned counsel for applicants, submits that respondent No.2 has lodged

the aforesaid FIR alleging that her marriage was solemnized with applicant No.1 on 31 January 2020. He further submits that the allegations made against the applicants are general in nature. The FIR came to be lodged after applicant No.1 issued a notice seeking divorce. Respondent No.2 has been residing separately since April 2021, whereas the FIR came to be lodged on 2 April 2025. He therefore submits that respondent No.2 lodged the FIR as a counter to the notice for divorce issued by applicant No.1. He further submits that no specific dates of the alleged incidents have been mentioned in the FIR. He therefore submits that the initiation and continuation of the proceedings amount to an abuse of the process of law and he therefore praying for quashing of the said same.

4. *Per contra*, Mr. Chaudhari, learned counsel for respondent–informant, strongly opposes the instant Application. According to him, after the marriage there was harassment at the behest of applicant No.1, as he was suspecting her character. He further submits that the contents of the FIR attract the aforesaid offences and therefore prays for rejection of the instant application.

5. Mr. Lomte, learned APP for respondent-State, also opposes the instant application. He submits that there is sufficient material is available in the charge-sheet against the applicant, and therefore, they are liable to

be prosecuted for the offences alleged against them. He also prays for dismissal of the instant Criminal Application.

6. After hearing learned counsel for the parties, I have perused the entire charge-sheet. The applicant No.1 is the husband of respondent No.2, applicant No.2 is father-in-law, applicant No.3 is her mother-in-law, applicant No.4 is her sister-in-law, and applicant No.5 is the husband of the applicant No.4.

7. After perusing the entire material from the charge-sheet, it is found that the allegations against the applicant Nos.2 to 5 are general in nature. Moreover, the applicant Nos.4 and 5 are not residing in the same matrimonial house where respondent No.2 was residing with applicant No.1. Even the allegations against the applicant No.1, when considered in the light of the circumstances on record, indicate that the FIR was lodged after a period of three years, following the issuance of a notice seeking divorce by applicant No.1.

8. In view of the aforesaid facts, this Court is of the view that the continuation of the proceedings against the applicants would amount to an abuse of the process of law. Accordingly, the present Criminal Application deserves to be allowed. Crime No. 51 of 2025 dated 2 April 2025 registered with Amalner Police Station, Tq. Patoda, District Beed, for

the offences punishable under Sections 80, 85, 351(1) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 and under Section 4 of Protection of Women from Domestic violence Act and the criminal proceedings bearing R.C.C. No.126 of 2025, pending before the learned Judicial Magistrate First Class, Patoda, District Beed, are hereby quashed and set aside.

9. The Criminal Application is allowed and stands disposed of accordingly.

(SUSHIL M. GHODESWAR, J.)