IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2690 OF 2025

SWAPNIL DILIP SHEWALE (husband),
MALATI DILIP SHEWALE mother-in-law,
DILIP PANDURANG SHEWALE father-in-law,
SAYALI NITIN PATIL sister-in-law
AND
NITIN BHAGWAN PATIL brother-in-law

VERSUS

THE STATE OF MAHARASHTRA
AND
RAJASHREE SWAPNIL SHEWALE

...

Shri Desale Nilesh N., Advocate for the Applicants.
Shri S.K. Shirse, APP for Respondent No.1/State.
Ms. Shilpa Aurangabadkar (appointed), Advocate for Respondent No.2/ informant.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 23 October 2026

P. C. :-

1. At the outset, when this Court has shown disinclination to entertain this application as regards applicant No.1/ husband, the learned advocate for the applicants seeks permission to withdraw the application to his extent.

2. Hence, this Criminal Application is dismissed as

withdrawn to the extent of applicant No.1/ husband.

3. Insofar as other applicants are concerned, they are in-laws of respondent No.2/ informant. They are challenging FIR No.88/2025 dated 15.04.2025 registered with the Sakri Police Station, District Dhule, at the behest of respondent No.2/ informant for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code. They also challenge the further proceedings arising out of the said FIR.

4. As per the report lodged by respondent No.2/ complainant, her marriage with applicant No.1 Swapnil took place on 22.12.2018. 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, a girl child is born on 06.06.2022. However, the husband and his relatives used to physically assault and abuse her on account of petty issues. The husband also used to doubt her character and subjected her to continuous mental cruelty. The applicants also demanded Rs.4 lacs for purchasing four wheeler vehicle. The applicants, however, used to support her husband and instigate him so that he should harass respondent No.2. Though initially the complaint

was lodged with the Women Grievance Redressal Cell and there were attempts of conciliation, however, same were not fruitful. As such, respondent No.2 lodged the aforesaid FIR.

5. In pursuance of the aforesaid FIR, the investigation was set in motion and after completion of investigation, the charge-sheet was filed. Now, the proceedings bearing RCC No.195/2025 are going on before the learned Judicial Magistrate, First Class, Sakri, District Dhule, wherein, the order of issuance of process is passed on 15.07.2025.

6. 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.

7. *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.

8. At this stage, it would be apposite to refer to some 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.

9. 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. It is evident that the marriage took place on 22.12.2018 and out of the said wedlock, the couple has a girl child born on 06.06.2022. 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 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.

10. 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 5 and is dismissed as withdrawn to the extent of husband i.e. applicant No.1.

(b) FIR No.88/2025 dated 15.04.2025 registered with the

Sakri Police Station, District Dhule, 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 5.

(c) The learned advocate for respondent No.2 is appointed by this Court. Therefore, her fees be quantified and paid to her as per rules, by the High Court Legal Aid Services Sub Committee, Aurangabad Bench.

kps (SUSHIL M. GHODESWAR, J.)