IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3132 OF 2025

1. Kuldeep Dilip Kakade (husband),
2. Dilip Bajirao Kakade (father-in-law)
3. Chandabai Dilip Kakade (mother-in-law)
4. Kishor Dilip Kakde (brother-in-law)
5. Shubhangi Kishor Kakade (wife of applicant No.4)
6. Manda Asaram Bahir (maternal aunt of applicant No.1)

VERSUS

1. State of Maharashtra.
2. Sneha Kuldip Kakade.

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Shri Shashikant E. Shekade, Advocate for the applicants.
Shri V.M. Lomte, APP for respondent No.1/ State.
Shri Ranjit D. Gaikwad h/f Shri S.G. Kawade, Advocate for respondent No.2.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 29 October 2026

Per Court :-

1. Heard the learned counsel for the respective parties.

2. When this Court expressed its disinclination to grant

relief to applicant No.1/ husband, the learned counsel for the applicants sought permission to withdraw the instant application to the extent of applicant No.1. In that view of the matter, the instant application is dismissed as withdrawn against applicant No.1/ husband.

3. The applicants are challenging FIR No.0164/2025 dated 15/05/2025 registered with the Talwada Police Station, Dist. Beed, at the behest of respondent No.2 , for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code, 1860. 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.315/2025 are pending before the learned Judicial Magistrate, First Class, Beed, wherein, the order of issuance of process was also passed. The applicants also seek to challenge the said consequential proceedings arising out of the aforesaid FIR.

4. Applicant No.2 is father-in-law, applicant No.3 is mother-in-law, applicant No.4 is brother-in-law of respondent No.2/ informant, applicant No.5 is wife of applicant No.4 and

applicant No.6 is the maternal aunt of applicant No.1. As per the report lodged by respondent No.2/complainant, her marriage with applicant No.1 took place on 24/04/2022. After her marriage, initially respondent No.2/ wife was treated well till January 2023. However, the husband and his relatives used to physically assault and abuse her on account that she is unable to give birth to child. The applicants used to support her husband and instigate him so that he should harass and assault respondent No.2. On 17/03/2024 the husband of complainant abused and assault her for not having child and thereafter, left her at Prerna Hospital, by saying that he is not going to cohabit with her. Since then the complainant is residing with her parents. On 25/03/2025, 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 the applicant No.1 i.e. 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. Hence, the applicants prayed for quashing of the FIR and the proceedings arising therefrom.

6. On the other hand, the learned APP appearing for the respondent No. 1/ State as well as the learned advocate appearing for the respondent No.2/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.

7. 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.

8. In this case, 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 applicant No.1/ husband and respondent No.2/ 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 24/04/2022 and respondent No.2/ complainant has been residing with her parents house since 17.03.2024. Though there was attempt of conciliation on 25.03.2025, however, it was not fruitful. Perusal of the FIR and the material in the charge-sheet discloses that the allegations against applicant Nos.2 to 6 appear 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. Applicant Nos.2 to 6 are residing separately and having no concerned with complainant matrimonial life. 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 applicant Nos.2 to 6 so as to attract the provisions of the penal sections invoked against them.

9. 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 insofar as applicant Nos.2 to 6 are concerned. It is dismissed as against applicant No.1/ husband.

(b) FIR No. 0164/2025 dated 15/05/2025 registered with the Talwada Police Station, at the behest of respondent No.2 and the further consequential proceedings arising out of the said FIR, are hereby quashed and set aside to the extent of applicant Nos.2 to 6.

kps (SUSHIL M. GHODESWAR, J.)