IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3347 OF 2025

1. Premal Manohar Walhe.
2. Kiran @ Kalpana Manohar Walhe.
3. Manohar Dashrat Walhe.
4. Saraswati @ Saru Sadashiv Jaware.
5. Sadashiv @ Sadu Devchand Jaware.
6. Sandeep Sadashiv Jaware.
7. Chandrakant Sadashiv Jaware.
8. Avinash Sanjay Dhole.
9. Harshal Sanjay Dhole. -- APPLICANTS

VERSUS

1. The State of Maharashtra.
2. Harshada Premal Walhe -- RESPONDENTS

Mr.R.R.Kazi, Advocate for the Applicants.
Mr.M.A.Aher, APP for the Respondent/State.
Mr.M.B.Sandanshi, Advocate for Respondent No.2.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 29th OCTOBER, 2026

PER COURT :

1. Heard the learned advocates appearing for the respective parties.

2. At the outset, when this Court has shown disinclination to

entertain this application as regards the husband and his parents, the learned advocate for the applicants seeks permission to withdraw the application to the extent of applicant Nos.1 to 3. Hence, this Criminal Application is dismissed as withdrawn in respect of applicant No.1/ husband and applicant Nos.2 and 3.

3. Insofar as other applicants are concerned, they are the relatives of the husband of respondent No.2/ informant. Applicant Nos.4 and 5 are the maternal grandparents of the husband of complainant and applicant Nos.6 and 7 are the maternal uncles of the husband of complainant, whereas applicant Nos.8 and 9 are the nephews of applicant No.3.

4. The applicants are challenging FIR No.490 of 2025 dated 08/07/2025 registered with the M.I.D.C. Police Station, Dist. Jalgaon, at the behest of respondent No.2, for the offences punishable under Sections 85, 115(2), 352, 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

5. As per the report lodged by respondent No.2/ complainant, her marriage with applicant No.1/ husband took place on 21/01/2025. The applicants are relatives of the said husband. After her marriage,

initially respondent No.2/ wife was treated well for a few days. However, thereafter her in-law demanded money from her retired father for house rent and for purchasing a scooter and a gold chain for the husband of complainant, and on her refusal she was abused and assaulted. It is alleged that on 17/03/2025, applicant Nos.4 to 9 visited the matrimonial home and instigated the husband and his parents by saying that her parents had not given sufficient utensils, gold and respect at the time of marriage, then she was assaulted by her husband and parents-in-law. On 14/04/2025, the husband told her to find another husband and she was abused and asked to leave the house. When her parents came for settlement, they were also abused and driven out. Thereafter, she was not taken back. As such, the aforesaid FIR came to be registered at the behest of respondent No.2.

6. 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 R.C.C. No.1066 of 2025 are pending before the learned Judicial Magistrate, First Class, Jalgaon, who issued process against the applicants vide order dated 10/12/2025. By way of amendment, the applicants have also challenged the said proceedings and the order of issuance of process.

7. 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. Applicant Nos.4, 5 and 7 reside at Nashik, applicant No.6 resides at Dharangaon and applicant Nos.8 and 9 reside separately at Jalgaon, and none of them ever resided in the matrimonial home 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.

8. 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.

9. 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.

10. 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 21/01/2025 and the applicants are distant relatives residing separately at different places. However, the allegations against the applicants are found to be vague and general in nature. The only allegation against them is that on 17/03/2025 they visited the matrimonial home and made remarks about the articles given in the marriage. No act of assault, demand or harassment has been attributed to any of them individually. 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.

11. 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.4 to 9 and is dismissed as withdrawn to the extent of applicant No. 1 (husband), applicant Nos.2 and 3.

(b) FIR No.0490 of 2025 dated 08/07/2025 registered with the M.I.D.C. Police Station, Dist. Jalgaon, at the behest of respondent No.2 and the further proceedings arising therefrom, including R.C.C. No.1066 of 2025 pending before the learned Judicial Magistrate, First Class, Jalgaon and the order of issuance of process dated 10/12/2025, are hereby quashed and set aside to the extent of the present applicant Nos.4 to 9.

(SUSHIL M. GHODESWAR, J.)