IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1246 OF 2026

GANGUBAI RAMBHAU BHALEKAR
VERSUS
THE STATE OF MAHARSHTRA AND ANOTHER
...
Shri Shekade Shashikant E., Advocate for the Petitioner.
Mrs. Bharati B. Gunjal, APP for the Respondents/ State.
Ms. Smita Chole (Kendre), advocate for Respondent No.2 (appointed).
...

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 23 October 2026

P. C. :-

1. On the last occasion, while granting time to respondent No.2, this Court had observed that if nobody appears on behalf of respondent No.2, this Court would dispose of the matter in accordance with law.

2. Today, nobody appears on behalf of respondent No.2 and no alternate arrangement is made. Therefore, this Court appoints the learned advocate Ms. Smita Chole (Kendre) to represent respondent No.2 in this matter.

3. The applicant is the mother-in-law of respondent No.2/ informant. The applicant is made accused in FIR

No.91/2022 registered at the instance of respondent No.2 with the Bhingar Camp Police Station, Ahmednagar, for the offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code.

4. After completion of investigation, the charge is also filed and the learned Chief Judicial Magistrate, Ahmednagar, vide order dated 12.07.2022 issued the process against the applicant.

5. According to the learned advocate for the applicant, the allegations in the FIR are against the husband of respondent No.2 and there are general allegations against the applicant. The husband of respondent No.2 i.e. son of the applicant has expired during the pendency of this application. Therefore, the criminal prosecution against the applicant would be nothing but an abuse of process of law. As no specific allegations are levelled against the applicant and the applicant being old aged lady, cannot be made to suffer the agony of trial more particularly when there are no specific allegations of harassment against the applicant.

6. The learned APP as well as the learned advocate for respondent No.2 have strongly opposed the application.

According to them, sufficient allegations have been made against the applicant and she had played major incriminating role in the crime in question. Her participation would be established at the time of trial. It would be premature to conclude that she is not involved in the crime. Hence, the learned counsel prayed for rejection of the instant application.

7. After hearing the learned advocates for the respective parties and perusing the FIR, it is found that the FIR was lodged on 01.03.2022 by respondent No.2 since there was no conciliation at the Women Grievance Redressal Cell. The marriage between respondent No.2 and the son of applicant, namely, deceased Sachin took place on 18.02.2018. As per the FIR, the accused persons are alleged to have demanded Rs.3 lacs to respondent No.2 for construction of house. On the pretext of the said demand, there is allegation of persistent ill-treatment and harassment at the hands of the accused persons including the present applicant.

8. After perusing the FIR and the charge-sheet, it is found that the husband of respondent No.2 has expired during the pendency of the proceedings and now, the applicant, who is the

mother of the husband and aged about 62 years, is facing trial. The allegations against the applicant 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 applicant. Therefore, such bald allegations, in the absence of specific allegations disclosing her individual involvement in the crime, are insufficient to justify the continuation of criminal prosecution against the applicant.

9. The Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, recognized the power of the High Court to quash criminal proceedings in appropriate cases where the allegations do not disclose an offence or where the proceedings fall within the recognized categories warranting interference to prevent abuse of the process of law.

10. The Hon'ble Supreme Court, in the case of ***Geeta Mehrotra v. State of Uttar Pradesh*, (2012) 10 SCC 741**, observed that, in matrimonial disputes, there is tendency to implicate the relatives of the husband without specific allegations disclosing their involvement in the alleged offences. Such relatives may be compelled to face criminal proceedings despite there being no

specific material indicating their involvement. The Hon'ble Supreme Court has, therefore, recognized the need to examine whether the allegations against the relatives of the husband disclose a *prima facie* case or whether their implication would amount to an abuse of the process of law.

11. In view of the aforesaid discussion, it is found that the applicant appears to have been implicated on account of her relationship with the husband of respondent No.2. Therefore, in order to prevent the abuse of the process of the Court and to secure the ends of justice, the instant application deserves to be allowed and the criminal proceedings against the applicant deserve to be quashed and set aside. Hence, the following order:

ORDER

(a) The Criminal Writ Petition is allowed.

(b) FIR No.91/2022 registered at the instance of respondent No.2 with the Bhingar Camp Police Station, Ahmednagar, for the offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of the Indian Penal Code and the further proceedings arising therefrom, are quashed and set aside insofar as the present applicant is concerned.

(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.)