IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3404 OF 2025

1] Mangesh Gulabrao Jadhav
(Husband)
2] Gulabrao S/o Shankarrao Jadhav
(Father-in-law)
3] Ramabai W/o Gulabrao Jadhav
(Mother-in-law)
4] Manisha W/o Rahul Khandare
(Sister-in-law)
5] Janabai W/o Himmatrao Gawai
(Cousin mother-in-law)
6] Banubai Baburao Wankhede
(Cousin mother-in-law)
7] Raju S/o Himmatrao Gawai
(Cousin brother-in-law)
8] Trisharan S/o Raju Gawai
(Son of applicant No.7) ..APPLICANTS
(Orig. Accused)

VERSUS

1] The State of Maharashtra

2] Shubhangi W/o Mangesh Jadhav
(Original Informant) ..RESPONDENTS

Mr. Pralhad C. Bhagure, Advocate for the Applicants.
Mrs. B. B. Gunjal, APP for Respondent No.1/ State.
Smt. Vaishali B. Suryawanshi and Mr. M. D. Gitte, Advocates for Respondent No.2/ Informant.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 2nd NOVEMBER, 2026

PER COURT :

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

2. When this Court expresses its disinclination to grant relief to applicant No.1, 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 In that view of the matter, the instant application is dismissed as withdrawn against applicant No.1.

3. Insofar as the other applicants are concerned, applicant Nos.2 and 3 are the father-in-law and mother-in-law, and applicant No.4 is the married sister-in-law of respondent No.2 informant. Applicant Nos.5 and 6 are the cousin mothers-in-law, applicant No.7 is the cousin brother-in-law, and applicant No.8 is the son of applicant No.7.

4. By this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants are challenging FIR No.0245/2025 dated 19.04.2025 registered with the Taluka Jalna

Police Station, Tq. & Dist. Jalna, at the behest of respondent No.2 for the offences punishable under Sections 85, 115(2), 118(1), 119(2), 351(2), 351(3) and 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and charge sheet filed before J.M.F.C. Jalna vide RCC No. 872/2025 and issue process order against accused passed below Exh.1 by the 5th J.M.F.C. Jalna.

6. As per the report lodged by respondent No.2 informant, her marriage with applicant No.1 took place on 08.01.2017, and out of the said wedlock, a child was born. It is alleged that about a month after the marriage, when she disclosed that she had taken a loan on her salary, applicant No.2 asked her to go to her parents' house. It is further alleged that her husband and mother-in-law used to taunt her about her looks and cooking and drove her out of the house, that the husband filed a petition for dissolution of marriage, which came to be withdrawn after she resumed cohabitation, and that thereafter the husband assaulted her with a wooden handle and the mother-in-law also beat her. It is alleged that on 17.04.2025, when her parents and brother came to the matrimonial house, applicant Nos.4 to 6 beat her brother and father, applicant No.2 removed her bangles and she was driven out of the house, and that on 18.04.2025 applicant Nos.7 and 8 abused her

and asked her to give divorce to applicant No.1. As such, the aforesaid FIR came to be registered at the behest of respondent No.2 on 19.04.2025.

7. In pursuance of the aforesaid FIR, the investigation was set in motion and after completion of investigation, the charge sheet was filed. The learned Judicial Magistrate, First Class, Jalna, issued process against the accused, and the proceedings bearing R.C.C. No.872/2025 are now going on before the said Court. By amendment permitted by order dated 05.02.2026, the applicants have also challenged the said order of issuance of process.

8. The learned advocate for the applicants submitted that the applicants have been implicated only on account of their relationship with applicant No.1, and the allegations against them are vague and general. He submitted that on 17.04.2025 respondent No.2 had lodged a non-cognizable report with Chhawani Police Station naming only applicant Nos.1 to 3, and two days thereafter lodged the present FIR at Taluka Jalna Police Station implicating eight persons. Applicant No.4 is married and resides separately, applicant Nos.5 and 6 are aged about 75 and 81 years and reside at Chikhli and Amdapur, Dist. Buldhana, and applicant Nos.7 and 8 reside at Chikhli. Hence, continuation of the

prosecution would amount to an abuse of the process of law.

9. Per contra, the learned APP appearing for respondent No.1 State as well as the learned advocates appearing for respondent No.2 informant strongly opposed the instant application. They submitted that sufficient material is available in the charge sheet against the applicants and their role is a matter to be decided at the time of trial. Hence, they prayed for rejection of the instant application.

10. 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, 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.

11. After going through the FIR in question and the material on record, 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. The specific allegations of assault with a wooden handle, abuse and suspicion are against the husband. The allegations against applicant Nos.2 and 3 regarding the disclosure of loan relate to the year 2017, i.e. about eight years prior to the FIR, and the allegations of taunts are general in nature, without any specific date or incident. Respondent No.2 had lodged a non-cognizable report with Chhawani Police Station on 17.04.2025 in respect of the very same incident, in which applicant Nos.4 to 8 were not named at all, and only two days thereafter, the present FIR came to be lodged implicating them, which indicates an afterthought. Applicant No.4 is a married sister-in-law residing separately, and applicant Nos.5 to 8 are distant relatives residing in Buldhana District. Such allegations, in the absence of specific allegations disclosing their individual involvement in the

crime, are insufficient to justify the continuation of criminal prosecution against the applicants.

12. In view of the aforesaid discussion, it is found that applicant Nos.2 to 8 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 to their extent and the criminal proceedings against them deserve to be quashed and set aside. Hence, the following order :-

O R D E R

(a) The Criminal Application is allowed to the extent of applicant Nos.2 to 8 and is dismissed as withdrawn to the extent of applicant No.1 husband.

(b) FIR No.0245/2025 dated 19.04.2025 registered with the Taluka Jalna Police Station, Tq. & Dist. Jalna, at the behest of respondent No.2 and the further proceedings arising therefrom, i.e. charge sheet, including the order of issuance of process and R.C.C. No.872/2025 pending before the learned Judicial Magistrate, First Class, Jalna, are hereby quashed and set aside to the extent of the present applicant Nos.2 to 8 only.

(SUSHIL M. GHODESWAR, J.)