IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3409 OF 2025

1. SHAIKH MUDASSIR ILIAS SHAIKH, husband,
2. Iliyas s/o Isaq Shaikh, father-in-law,
3. Basharat w/o Iliyas Shaikh, mother-in-law,
4. Ismail S/o Iliyas Shaikh, Brother in law,
5. Nagma W/o Munir Shaikh, Sister in law,
6. Munir Imam wrongly written as Inan Sheikh in F.I.R, Husband of Sister in law,
7. Sana d/o Iliyas Shaikh w/o Qaiser Shaikh, sister in law.

VERSUS

THE STATE OF MAHARASHTRA
AND
Afreen w/o Muddasir Shaikh, informant.

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Shri Ansari Asfia Nuzhat, Advocate for the Applicants.
Shri M.A. Aher, APP for Respondent No.1/ State.
Shri Prasad D. Wakhare, advocate h/f Shri Naik Sarvesh Jaipal, Advocate for Respondent No.2.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 23 October 2026

P. C. :-

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

2. Applicant No.1 is the husband of respondent No.2/ informant and other applicants are the in-laws. They are

challenging FIR No.174/2025 registered with the City Police Station, Parli, District Beed on 20.07.2025, at the behest of respondent No.2, for the offences punishable under Sections 85, 115(2), 351(2), 351(3) r/w Section 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per the report lodged by respondent No.2/ complainant, her marriage with applicant No.1/husband took place on 24.06.2022. The other applicants are relatives of the said husband as described in the cause title of this order. After her marriage, initially respondent No.2/ wife was treated well. However, the husband and his relatives used to physically assault and abuse her on account of petty issues. The husband subjected her to continuous mental cruelty. The applicants also demanded Rs.2 lakhs for purchase of instruments of job work of her husband. The applicants, however, used to support her husband and instigate him so that he should harass respondent No.2. 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.

4. 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.322/2025 are going on before the learned Judicial Magistrate, First Class, Parli, District Beed.

5. The learned advocate for the applicants submitted that applicant No.1 is the husband of respondent No.2/ informant and other applicants have been implicated in the crime on account of their relationship with the said husband. All the applicants have been falsely implicated in the crime and have no concern with the crime in question. Applicant nos.2 and 3 are the parents of applicant no.1, whereas applicant no.4 is the brother. Applicant nos. 5 and 7 are the married sisters and are residing with their husbands. Applicant no.5 is married in the year 2010 much prior to the marriage of applicant No.1 and respondent No.2. Applicant No.7 is also married recently on 13.06.2025.

6. The learned advocate for the applicants further submitted that after the marriage, respondent No.2 hardly resided at Parli for one month and thereafter, from the month of July 2022, respondent No.2 started residing with applicant no.1 at

Kalam i.e. the place of working of applicant No.1. While residing at Kalam, respondent No.2 has conceived from applicant no.1 and has delivered a male child on 28.11.2023. According to the learned advocate, soon after the delivery, applicant no.1/ husband has suffered the accident and sustained grevious injury and the surgery was performed. Inspite of the information of accident given to respondent No.2, she has never turned up to Hospital nor has made inquiry about the health of applicant No.1 any time thereafter. Applicant No.1 was on bed completely for 7 months and respondent No.2 has never come and taken care of applicant No.1/ husband. It is stated that the second operation of the leg of applicant No.1 has also taken place and at that time, respondent no.2 accompanied the husband after indulgence of elderly persons of families. After the discharge, applicant no.1 and respondent No.2 went to reside at Kalam.

7. The learned advocate further submitted that respondent No. 2 was pregnant, however, she had refused to act as per medical advice and stated that she do not want to have child. Respondent No.2 was brought by her father to her parent's place and thereafter, the abortion was done at Majalgaon. This

abortion has become the cause of dispute between the couple. It is submitted that all these facts have been brought to the notice of the Police Authorities by applicant No.1/ husband.

8. It is further submitted that the relatives of respondent No.2 had also tried to attack applicant No.1 and the same incident is also reported to the Police. Respondent No.2 has neither attended the marriage of applicant No.7 nor she is in company of applicant no.1 since January 2025 and now has come with a false case in the form of FIR involving all the applicants. Though the notice was issued to respondent No.2, however, she has not replied the notice. On the contrary, the false FIR is lodged against the applicants. The learned counsel for the applicants, therefore, submitted that the continuation of the criminal prosecution against the applicants would amount to an abuse of the process of law and, therefore, they have approached this Court seeking quashing of the FIR in question.

9. *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.

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***, ***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.

11. After going through the FIR in question as well as the statements recorded by the Investigating Officer, it appears that the dispute has arisen out of matrimonial differences between applicant No.1 and respondent No.2. Their marriage was solemnized on 24.06.2022 and a male child was born to them on 28.11.2023. The applicants have pointed out that respondent No.2 resided with applicant No.1 at Kalam after the marriage and that differences subsequently arose between them on account of matrimonial issues. It is their specific contention that the present FIR is an outcome of the said matrimonial discord and that the allegations have been levelled against all the applicants without disclosing their specific involvement in the alleged offences. On careful consideration of the allegations in the FIR and the statements recorded during the course of investigation, it is found that, apart from the general allegations of physical and mental

harassment and the alleged demand of Rs.2 lakhs, no specific particulars of the alleged incidents have been disclosed so as to indicate the nature, time and manner of the alleged acts attributed to the applicants.

12. The allegations, when considered in the context of the overall facts and circumstances emerging from the record, do not disclose specific and cogent material indicating the individual involvement of the applicants in the commission of the alleged offences. Though the allegations made by respondent No.2 cannot be discarded merely because the dispute is matrimonial in nature, the criminal prosecution must disclose sufficient material to justify its continuation. In the present case, having regard to the nature of the allegations and the material collected during the investigation, this Court is of the view that the continuation of the criminal proceedings against the applicants would not serve the ends of justice and would amount to an abuse of the process of law. The case, therefore, warrants exercise of the inherent jurisdiction of this Court for quashing the FIR and the consequential proceedings. 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.

(b) FIR No.174/2025 registered with the City Police Station, Parli, District Beed on 20.07.2025, at the behest of respondent No.2 and the further proceedings arising therefrom, are hereby quashed and set aside in respect of all the applicants.

kps (SUSHIL M. GHODESWAR, J.)