IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2076 OF 2026
WITH
CRIMINAL APPLICATION NO. 3695 OF 2026

Narayan Uttam Rathod ..APPLICANT

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. G.K. Naik Thigle, Advocate for applicant
Mr. S.D. Ghayal, A.P.P. for respondent nos.1 and 2
Mr. S.R. Shirsat, Advocate for respondent no.3

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CORAM : HITEN S. VENEGAVKAR, J.
DATE : 05th OCTOBER, 2026

PER COURT :

1. The applicant seeks quashing of Crime No.1004 of 2024 registered on 4 December 2024 with Sangamner City Police Station, District Ahilyanagar, for the offences recorded under Sections 85, 115, 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023, together with the charge-sheet and the consequential proceedings pending before the learned Judicial Magistrate First Class, Sangamner. The applicant is the husband of the sister of respondent No.3's husband. Prayer clauses D and E seek relief only insofar as the present applicant is concerned. The question which therefore arises is whether the allegations in the FIR, read with the material collected during investigation, disclose a prima facie case against him warranting continuation of the prosecution.

2. Respondent No.3 states that her marriage with Swapnil Shrikant Avhad was solemnised in January 2024 at Sangamner. She states that, following the marriage, her husband took her and his mother to the residence of his sister and the applicant at Royal Heights, Anandnagar, Sinhgad Road, Pune, where they stayed initially. According to her, the family treated her well for a few days, but her husband thereafter began subjecting her to physical and mental ill-treatment. She alleges that on 26 January 2024 he told her that he had married under pressure from his mother and sister, that he loved another woman and that he did not wish to continue the marriage. She further states that he used to assault and abuse her. Thereafter, she, her husband and her mother-in-law went to Manmad, where the applicant and his wife allegedly telephoned her mother-in-law regularly and influenced her against the complainant.

3. Respondent No.3 further states that, after she complained of her husband's conduct to the applicant, his wife and two other relatives, they told her, collectively, that the marriage had been arranged to look after the husband, that he loved the other woman and that they had no objection to that relationship. She attributes to the other relatives remarks concerning payment of money for settlement of a criminal case against her husband. She alleges that her husband and mother-in-law assaulted her and that her mother-in-law and sister-in-law demanded Rs.15 lakh from her parental family for settlement of that case. She also alleges removal of her ornaments

and expulsion from the matrimonial home. According to her, when her mother and brother came to take her home, they too were assaulted and abused by her husband and mother-in-law. She states that she was driven out on 7 March 2024 and approached the Women's Bharosa Cell on 30 March 2024. As the dispute was not resolved, she lodged the FIR on 4 December 2024. Upon completion of investigation, the police submitted the charge-sheet against six accused persons, including the present applicant.

4. Ld. Advocate for the applicant submits that the principal allegations concern the husband and other members of the matrimonial family and that the applicant has been implicated through general statements of instigation and collective references to relatives. He submits that neither the FIR nor the statements recorded during investigation identify any particular act of assault, demand for money, threat or other conduct by the applicant constituting the alleged offences. He further submits that the applicant resides at Pune and is not involved in the day-to-day affairs of the complainant's matrimonial household at Manmad. Reference is also made to the applicant's inclusion at serial No.179 in the list of candidates eligible for recommendation for the post of Police Sub-Inspector and the effect of the pending prosecution upon his career. Ld. Advocate submits that, as prayer clause E challenges the consequential charge-sheet and RCC proceedings, the applicant's challenge extends to the prosecution pending before the Magistrate and is not restricted to the FIR.

5. The Ld.APP and Ld. Advocate for original complainant opposed the application . They argued that the FIR and chargesheet demonstrate clear allegation against the present applicant. There is direct role attributed to the present applicant. When there are specific allegations and separate role of the applicant in commissioning of the offence then quashing the proceedings at this stage is not appropriate. This is not a case of no material and the material on record is sufficient to frame charges against the present applicant. They prayed for dismissal of the Application .

6. I have heard the respective Advocates and have also perused the material on record .The power to quash criminal proceedings is to be exercised with care. At this stage, the Court cannot decide whether the complainant or the witnesses are truthful, nor can it weigh the evidence as if conducting a trial. The allegations and the prosecution material must be taken at their face value. Even on that basis, however, they must disclose facts constituting the alleged offences against the person who seeks relief. The principle stated in State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335, permits interference where the allegations, so accepted, do not disclose the commission of an offence. Filing of the chargesheet does not foreclose that examination; rather, the Court must consider whether the investigation has supplied the factual foundation which was lacking in the initial accusation.

7. In Maram Nirmala and another v. The State of Telangana and another, 2025 SCC Online SC 2913, the Supreme Court examined allegations that relatives had induced the husband to demand additional dowry and had continued to subject the complainant to cruelty. Finding no particular instance of their involvement, the Court held that the allegations, even taken at face value, did not disclose the alleged offences. More recently, in Arti Mehta and others v. The State of Madhya Pradesh and another, 2026 SCC Online SC 933, the Supreme Court distinguished the detailed accusations against the husband from collective allegations against his relatives and reiterated the need for facts showing individual involvement. These decisions require scrutiny of the allegations against the applicant. They do not confer immunity upon relatives or justify quashing merely because the prosecution arises from a matrimonial dispute.

8. Turning to the present record, the submission that the applicant never resided with respondent No.3 cannot be accepted as the basis for relief. The FIR itself states that she initially stayed with her husband and mother-in-law at the Pune residence of the applicant and his wife. We must proceed on that version. Equally, residence at Pune does not make telephone instigation impossible. The relevant question is what the applicant is alleged to have done, and whether the conduct attributed to him supplies the ingredients of the offences. His selection for public employment explains the concern expressed on his behalf but does not alter the legal test.

9. When the FIR is read in its entirety, the accusation against the applicant is that he and his wife telephoned the complainant's mother-in-law and influenced her against the complainant. The substance of any communication by the applicant is not stated. There is no identified direction by him to assault the complainant, extract money from her or drive her out. The further allegation concerning the discussion at Manmad is made jointly against the applicant, his wife and two other relatives, without identifying the applicant's individual contribution. The remarks attributed to that group are insensitive, but the narrative does not disclose a distinct act by the applicant of coercive harassment or wilful conduct of the nature contemplated by the statutory definition of cruelty. This conclusion does not rest merely on the absence of an exact date or the precise words spoken. It rests on the absence of facts identifying the applicant's participation in the alleged criminal conduct.

10. The distinction becomes clearer when more serious allegations are examined. The acts of assault upon respondent No.3 and her mother and brother are attributed to the husband and mother-in-law. The demand for Rs.15 lakh and the removal of ornaments are attributed to the mother-in-law and sister-in-law. No act of demanding or receiving that money, removing the ornaments, assaulting the complainant or expelling her from the house is attributed to the present applicant. The concluding assertion that all the named relatives together subjected her to physical and mental cruelty cannot

supply an individual role which is absent from the preceding account. Nor can the conduct expressly attributed to other accused be transferred to this applicant merely because of his relationship with them.

11. The statements of the complainant's brothers, Mayur Ratan Lahamage and Atul Ratan Lahamage, have also been examined. They repeat the account of telephone calls and the discussion with the relatives, but do not identify any additional act by the applicant which cures the deficiency in the accusation against him. The other documents annexed to the charge-sheet concern the complaint, the matrimonial relationship, the preliminary inquiry and the investigation. On the material placed before me, investigation has not supplied a specific factual basis for the applicant's participation in the assault, the monetary demand or the threats alleged. I am not rejecting the brothers' statements because they are related to the complainant, nor requiring independent corroboration as a condition for prosecution. Even accepting their statements, the position concerning this applicant remains the same.

12. Section 85 of the BNS must be read with the definition of cruelty in Section 86, which encompasses the specified wilful conduct endangering the woman's life or health and harassment connected with an unlawful demand for property or valuable security. Section 115 of BNS concerns voluntarily causing hurt; Section 352 requires intentional insult with the requisite intention or knowledge concerning provocation to breach the peace,

while Section 351 concerns a threat made with the intention of causing alarm or compelling the specified conduct. The prosecution material does not identify an act by this applicant satisfying those ingredients. No assault or bodily pain caused by him, no threat attributable to him, and no insult accompanied by the requisite intent or knowledge is disclosed. The vague assertion of influencing the mother-in-law does not, without facts showing intentional instigation or assistance in an offence, make good that deficiency.

13. The application alleges false implication and an ulterior motive. It is unnecessary to return a finding upon the complainant's motive or to declare her entire complaint false. The allegations against the husband and the other accused require their own consideration in the competent court. This Courts conclusion is confined to the present applicant, the allegations and the charge-sheet material, even accepted as they stand, do not disclose a prima facie case against him for the offences alleged. Requiring him to face trial on that material would therefore amount to an abuse of the process of the Court. The application deserves to be allowed to that extent.

ORDER

a) Accordingly, Criminal Application No.2076 of 2026 is allowed.

b) Crime No.1004 of 2024 dated 4 December 2024 registered with Sangamner City Police Station, District Ahilyanagar, the charge-sheet submitted pursuant thereto, and the

consequential Regular Criminal Case proceedings bearing no. 102 of 2025 pending before the learned Judicial Magistrate First Class, Sangamner, including any order taking cognizance dated 05.04.2025 and issuing process therein against the applicant, are quashed and set aside only insofar as applicant Narayan Uttam Rathod is concerned.

c) The proceedings against the remaining accused shall continue in accordance with law, uninfluenced by the observations made herein concerning the present applicant.

d) No orders as to Cost.

e) Criminal Application No. 3695 of 2026 stands disposed of.

(HITEN S. VENEGAVKAR, J.)

SSD