IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1407 OF 2025

1. Baban s/o Shriram Pakhare,
Age: 27 Years, Occu: Agriculture

2. Usha w/o Shriram Pakhare,
Age: 44 Years, Occu: Housewife

3. Shriram s/o Babu Pakhare,
Age: 54 Years, Occu: Agriculture

4. Joti w/o Atul Ghule,
Age: 31 Years, Occu: Agriculture ...Petitioners

Versus

1. The State of Maharashtra Through: Police Inspector, Police Station, Beed Gramin.

2. Disha w/o Baban Pakhare @ Disha Mahadeo Phad,
Age: 20 Years, Occu: Housewife ... Respondents

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Mr. P. A. Dhakane, Advocate for the Petitioners.
Mr. C. V. Bhadane, APP for Respondent No. 1 / State.
Mr. Y. M. Shrimod h/for Mr. S. G. Kawade, Advocate for Respondent No. 2.

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 26 OCTOBER, 2026

PC:

1. The present Criminal Writ Petition is filed under Article 226 of the Constitution of India and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking the quashing of the First Information

Report bearing Crime No. 0242/2025 registered with Beed Gramin Police Station, Dist. Beed, for the offences punishable under Sections 115(2), 3(5), 351(2), 351(3), 352, and 85 of the Bharatiya Nyaya Sanhita, 2023. The Petitioners also seek the quashing of the consequential proceedings arising therefrom, including the order of issuance of summons dated 26.02.2026 in R.C.C. No. 186/2026 pending before the learned Judicial Magistrate First Class, Beed.

2. The marriage of Petitioner No. 1 and Respondent No. 2 was solemnized on 01.05.2024 as per Hindu rites and rituals. Respondent No. 2/original complainant filed the impugned F.I.R. on 28.07.2025, alleging that after the marriage, she was subjected to physical and mental harassment by the Petitioners for the non-fulfillment of a demand of Rs. 15,00,000/- for purchasing a four-wheeler. It was further alleged that on 31.03.2025, the Petitioners assaulted her, snatched her mangalsutra, toe rings, and mobile phone, and threatened to kill her before throwing her out of the matrimonial house.

3. Perusal of the record reveals that the relationship between the parties had severely deteriorated. It is a matter of record that on 02.10.2024, Petitioner No. 1 (husband) had filed an F.I.R. bearing Crime No. 166/2024 against the relatives of Respondent No. 2 (including her

grandfather, step-father, and mother), alleging an assault with a knife at his residence. Subsequently, Petitioner No. 1 sent legal notices dated 11.04.2025 and 16.04.2025 to Respondent No. 2 requesting her to resume cohabitation. Respondent No. 2 replied to the said notices on 22.04.2025 with certain conditions. Prior to the registration of the impugned F.I.R., Respondent No. 2 had already initiated proceedings under the Protection of Women from Domestic Violence Act, 2005 (Misc. Criminal Application No. 450/2025) on 09.06.2025, and a petition under Section 144 of the BNSS (Petition E No. 44/2025) before the Family Court, Beed. Furthermore, it has been brought on record by way of an amendment that the investigation is complete and a charge-sheet has been filed, resulting in the registration of R.C.C. No. 186/2026, wherein the learned Magistrate took cognizance and issued summons on 26.02.2026.

4. The learned Advocate for the Petitioners submitted that the impugned F.I.R. is a clear counterblast to the F.I.R. filed by Petitioner No. 1 in October 2024 and the subsequent legal notices sent by him. It was vehemently argued that the allegations in the F.I.R. and the charge-sheet are completely vague, general, and ambiguous, particularly against Petitioner Nos. 2 to 4 (the parents-in-law and sister-in-law). It was pointed out that Petitioner Nos. 2 and 3 reside at their native

village in Padali, Dist. Beed, while the alleged incidents of harassment primarily occurred in Chhatrapati Sambhajinagar. No specific overt act or role has been attributed to the in-laws by Respondent No. 2 to attract the penal provisions of the BNS. It was submitted that the prosecution is nothing but an abuse of the process of law and is liable to be quashed.

5. On the other hand, the learned APP as well as the learned Advocate for Respondent No. 2 opposed the petition. It was submitted that the charge-sheet contains sufficient material to proceed against the Petitioners. It was argued that the delay in filing the F.I.R. was because the complainant was hopeful that the situation would improve. It was prayed that the petition be dismissed and the trial be allowed to proceed.

6. Having heard the learned Advocates for the parties and on a perusal of the material placed on record, we find it necessary to refer to the landmark judgment of the Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal,*** **1992 Supp (1) SCC 335**, which lays down the categories of cases where inherent powers can be exercised to quash proceedings, including cases where the allegations are inherently improbable or made with mala fide intentions. We are also guided by the principles laid down in ***Kahkashan Kausar v. State of Bihar,*** **(2022) 6**

SCC 599, and *Geeta Mehrotra v. State of Uttar Pradesh*, (2012) 10 SCC 741, wherein the Hon'ble Apex Court has consistently held that general, sweeping, and ambiguous allegations against the relatives of a husband, without specifying their exact role or assigning specific instances of cruelty, cannot form the basis of a criminal prosecution.

7. Keeping these principles in mind, when we scrutinize the F.I.R. and the charge-sheet in the present case, it is apparent that the allegations against the Petitioners, particularly Petitioner Nos. 2 to 4, are entirely general and vague. Except for sweeping statements such as "all accused demanded dowry" or "they beat the complainant," there is no specific act or incident attributed to the in-laws. Petitioner Nos. 2 and 3 resided separately at Padali, and though the couple temporarily resided with Petitioner No. 4 at Chhatrapati Sambhajinagar, there is a glaring absence of specific material indicating their active and continuous participation in the alleged harassment, and there is no specific material to show their active and continuous participation in the alleged harassment. The casual inclusion of distant relatives without any specific overt acts is highly deprecated.

8. Insofar as Petitioner No. 1 (husband) is concerned, the dispute is essentially matrimonial in nature. The facts reveal a series of litigations

initiated by both parties. The impugned F.I.R. was filed long after the husband had filed his own F.I.R. in October 2024 and after the wife had already sought reliefs under the DV Act and for maintenance. The allegations of the snatching of the mangalsutra and the assault on 31.03.2025 appear to be an afterthought and a counterblast to the legal notices sent by the husband seeking restitution of conjugal rights. In the backdrop of the pending civil and matrimonial proceedings, allowing the present criminal proceedings to continue against all the Petitioners would amount to a gross abuse of the process of law and would cause needless harassment to the Petitioners.

9. In view of the above discussion, accepting the allegations at their face value, prima facie no case is made out against the Petitioners that warrants a full-fledged criminal trial. The continuation of the impugned proceedings would be an exercise in futility and an abuse of the process of the Court. Hence, we are persuaded to exercise our inherent jurisdiction. Accordingly, we proceed to pass the following order:

ORDER

i) The Criminal Writ Petition is allowed.

ii) The impugned F.I.R. bearing Crime No. 0242/2025 registered with Beed Gramin Police Station, Dist. Beed, dated 28.07.2025

for the offences under Sections 115(2), 3(5), 351(2), 351(3), 352, and 85 of the Bharatiya Nyaya Sanhita, 2023, and the consequential Charge-Sheet arising therefrom, bearing R.C.C. No. 186/2026, pending before the learned Judicial Magistrate First Class, Beed, including the order of issuance of summons dated 26.02.2026, are hereby quashed and set aside in respect of all the Petitioners.

(SUSHIL M. GHODESWAR, J.)

sjk