IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3896 OF 2025

1. Chandrasen Bhagwan Patekar
(Husband)
2. Bhagwan Bhaulal Patekar
(Father-in-law)
3. Meera Bhagwan Patekar
(Mother-in-law)
4. Jalindar Bhagwan Patekar
(Brother- in- law)
5. Savita Jalindar Patekar
(Sister-in-law)
6. Mangal Subhash Shelke
(Sister-in-law)
7. Subhash Punachand Shelke
(Husband of Sister-in-law) ..Applicants

VERSUS

1. State of Maharashtra
2. Rashmi Chandrasen Patekar (Complainant) ..Respondents

Mr. P. C Bhagure, Advocate for Applicants
Mr. C.V. Bhadane, APP for Respondent No.1/ State
Mr. A.S. Shejwal, Advocate for Respondent No. 2.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 26th OCTOBER, 2026

PER COURT :

1. By way of present Criminal Application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants are challenging FIR No.109/2025 dated 15/05/2025, registered at the

behest of respondent No.2/ Informant with Kannad Police Station, for the offences punishable under Sections 85, 115(2), 352, 351(2), 351(3), and 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. After completion of investigation, Charge-sheet was filed on 21/08/2025 and the proceeding arising therefrom bearing RCC No. 249/2025 before learned Judicial Magistrate, First Class, Kannad wherein, the order of issuance of process has been passed on 21/08/2025. Thus, applicant Nos.2 to 7 also sought to challenge the charge-sheet, proceedings in RCC No. 249 of 2025 and order of issuance of process dated 21/08/2025.

3. In view of the matter, vide order dated 12/10/2025 , this Court dismissed the present application insofar as applicant No.1 (husband) is concerned.

4. Applicant No.2 is Father-in-law, applicant No.3 is mother-in-law, applicant No.4 is brother-in-law, applicant No.5 is sister-in-law, applicant No.6 is sister- in-law and applicant No.7 is husband of sister-in-law of respondent No. 2/ complainant.

5. As per the report lodged by respondent No.2/complainant, her marriage with applicant no.1 took place on 04/12/2016 as per Hindu rites and rituals. The parents of respondent No.2 have given household articles. Out of the said wedlock, the respondent No.2 has two children. According to the complainant, for approximately three years after the marriage, her matrimonial relatives treated her properly. thereafter applicant No. 1 was beating her on petty reasons. She was

allegedly subjected to physical and mental harassment by the applicants. Respondent No.2 found alphabet SD on the hand of applicant no.1/husband. She questioned him about the identity of the person whose name was represented by the letter S., applicant no.1 abused and assaulted her by slapping and punching her, stating that she had no right to question him and he did not like her, and that she should leave his house. When she informed her in-laws about her suspicion that her husband was maintaining an extra-marital relationship with another woman and harassed her mentally and physically and demanded Rs. 4 lacks for constructing house. She further alleged that her sister-in-law and brother-in- law also harassed her and her brother-in-law threatened to kill her. On 03/02/2025, she was allegedly driven out of the matrimonial home. She thereafter came to Kannad and started residing with her parents. Thereafter complainant accompanied by her parents went to Jafrabad, where applicant No.1 was employed and left her there. She saw applicant No.1 was talking with a woman on phone. On inquiry, he told she is his wife and complainant has no connection with her. He allegedly abused and assaulted her by slapping and punching her, drove her out of the house and instructed her not to return. As no settlement could be arrived between applicant No.1 and complainant, therefore, complainant lodged complaint before the Women Cell, Kannad. Thereafter, on the basis of the aforesaid report, aforesaid FIR to be registered against present applicants.

6. Learned advocate for the applicants submitted that applicant Nos. 2 to 7 have been implicated in the crime on account of

their relationship with the husband of the informant. They have been falsely implicated in the crime and have no concern with the crime in question. Learned counsel for the applicants further submitted that continuation of criminal prosecution against them would amount to an abuse of process of law and, therefore, they have approached this Court seeking quashing of the FIR in question.

7. It is further submitted that the allegations in the FIR and allegations in the complainant filed before Judicial Magistrate under Domestic Violence act are quite different. No specific allegation is attributed against applicant Nos.2 to 7. The process issued against the applicants is bad in law. Applicant No.1 was serving at Jafrabad and complainant was living with him, therefore, there is no question of causing harassment at the hands of applicant Nos.2 to 7. They are residing separately. Applicant Nos. 6 and 7 are residing at Paithan. Applicant No.7 is a Teacher by profession and they are residing separately.

8. Learned counsel for the applicants submitted that the FIR contains only vague and general allegations against the relatives of the husband, without attributing any specific overt act, date, time, or particular incident to them. As no specific role has been assigned to any of the applicants, the continuation of the proceedings against them would amount to an abuse of process of law. Hence, the applicants prayed for quashing of the FIR and the proceedings arising therefrom.

9. Per contra, learned APP strongly opposed the instant application. The FIR discloses offence of cruelty, assault, abuse and

criminal intimidation against the applicants. It is further submitted that, during the course of investigation, statements of informant and other witnesses were recorded, and relevant evidence was collected. Upon completion of the investigation, charge-sheet was filed and criminal proceedings are pending before the Trial Court. It is further submitted that sufficient material is available against the applicants. He referred to the statements of the witnesses recorded by the Investigating Officer and submitted that the applicants had abetted the crime in question. The allegations raise disputed questions of fact, which are required to be examined during trial, therefore, at this stage proceedings cannot be quashed and, therefore, prayed for rejection of the instant application.

10. Learned counsel for respondent No.2/informant also strongly opposed the instant application. According to him, sufficient allegations have been made against the applicants and they have played major incriminating role in the crime in question. Their participation would be established at the time of trial. 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, learned counsel for respondent No.2 prayed for rejection of the instant application.

11. After going through the FIR in question as well as the statements recorded by the Investigating Officer, it is found that the applicants have been implicated as accused on account of their relationship with the applicant No.1 (husband) of respondent No.2. The allegations against them 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 Nos. 2 to 7. The FIR contains only vague and omnibus allegations against them. Therefore, such bald allegations, in the absence of specific allegations disclosing their individual involvement in the crime, are insufficient to justify the continuation of criminal prosecution against them.

12. It is further found that the FIR has been lodged as a result of matrimonial differences between the applicant No.1 (husband) and wife and the relatives of the husband have been implicated on account of their relationship with him. Neither the contents of the FIR nor the statements recorded by the Investigating Officer discloses any specific overt act on the part of any of the applicants, so as to attract the provisions of the penal sections invoked against them.

13. It is further submitted that Applicant No.6 is the married sister-in-law (husband's sister) of Respondent No. 2, and Applicant No. 7 is her husband. Applicant Nos. 6 and 7 are living separately at Paithan since long before the alleged incidents. Applicant Nos.2 to 5 are residing at Ambad. Respondent No.2 was living with Applicant No.1 (her husband) at Jafrabad throughout her matrimonial life. Applicant Nos.2 to 7, therefore, had nothing to do with her day-to-day matrimonial life, and the question of their harassing her or treating her with cruelty does not arise. They have been named only because they are relatives of Applicant No.1. The FIR makes vague, general and omnibus allegations against them and attributes no specific act, date or incident to any of them. Continuing the prosecution against Applicant

Nos. 2 to 7 would be an abuse of the process of law.

14. The Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal***, 1992 Supp (1) SCC 335, has laid down illustrative categories of cases in which the High Court may exercise its inherent jurisdiction to quash criminal proceedings to prevent abuse of process of the Court or otherwise to secure the ends of justice. In paragraph 102 of the said judgment, the Hon'ble Supreme Court observed, inter alia, that such jurisdiction may be exercised where the allegations made in the FIR or complaint are so absurd and inherently improbable that no prudent person could ever reach a just conclusion that there is sufficient ground for proceeding against the accused, or where the criminal proceedings are manifestly attended with mala fide and have been maliciously instituted with an ulterior motive. The principles laid down in the said judgment are required to be applied to the facts and circumstances of the present case.

15. 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 process of law.

16. In view of the aforesaid discussion, it is found that the allegations against applicant Nos. 2 to 7, as reflected in the charge-sheet, are general in nature and no specific overt act has been attributed to them. The applicant Nos.2 to 7 appears to have been implicated on account of their relationship with applicant No.1 (husband) of respondent No.2. Therefore, in order to prevent abuse of the process of the Court and to secure the ends of justice, instant application deserves to be allowed and criminal proceedings against the applicants deserve to be quashed and set aside. Hence, the following order:

ORDER

(I) Criminal Application is allowed.

(II) FIR No.109/2025 dated 15/05/2025 registered with Kannad Police Station, Tq. Kannad for the offences punishable under Sections 85, 115(2), 352, 351(2), 351(3), and 3(5) of Bharatiya Nyaya Sanhita, 2023, Charge-sheet and proceeding arising therefrom bearing RCC No. 249/2025 pending before learned Judicial Magistrate, First Class, Kannad and order of issuance dated 21/08/2025 are quashed and set aside insofar as applicant Nos.2 to 7 are concerned.

(SUSHIL M. GHODESWAR, J.)