IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

989 CRIMINAL APPLICATION NO. 3934 OF 2025

1. Sunil s/o Suresh Shirole
2. Suresh s/o Bhaurao Shirole
3. Mina w/o Suresh Shirole
4. Bharti d/o Suresh Shirole
5. Swati w/o Swapnil Yadav ….APPLICANTS

VERSUS

1. The State of Maharashtra,
   Thr. Ambhora Police Station,
   Tq. Ashti, Dist. Beed

2. Vaishnavi w/o Sunil Shirole ….RESPONDENTS

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Mr P. S. Dikle, Advocate h/f Mr A. L. Kanade, Advocate for Applicants
Ms B. B. Gunjal, APP for Respondent No.1/State
Mr Amol Gaikwad, Advocate h/f Mr S. E. Shekade, Advocate for Respondent No.2

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 27th OCTOBER, 2026

P. C. :

1. Leave to amend. Amendment be carried out forthwith.

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

3. At the outset, when this Court has shown disinclination to entertain this application as regards the husband, the learned advocate

for the applicants seeks permission to withdraw the application to his extent.

4. Hence, this Criminal Application is dismissed as withdrawn in respect of applicant No.1/ husband.

5. Insofar as other applicant Nos.2 to 5 are concerned, they are in-laws of respondent No.2/ informant.

6. By this application, the applicants are seeking quashing and setting aside the FIR bearing C.R No.0274/2025, dated 24/07/2025, registered against them with the Ambhora Police Station, Tq. Ashti, Dist. Beed at the behest of respondent No.2/informant, for the offences punishable under Sections 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and the consequential criminal proceedings filed against them with the learned Judicial Magistrate First Class, Ashti, Dist. Beed.

7. As per the report lodged by respondent No.2/ complainant, her marriage with applicant No.1/husband took place on 25/08/2024. Applicant Nos.2 to 5 are relatives of the said husband. It is alleged that, after her marriage, initially respondent No.2/ wife was treated well by the applicants. However, later the applicants were used

to demand Rs.2,00,000/- for purchasing a vehicle. She further alleged in the report that the said amount was paid to the applicants by her father. It is further alleged that applicant Nos. 4 and 5/sisters-in-law of the informant subjected the informant to mental harassment by constantly taunting her. Additionally, there are allegations that all the applicants collectively harassed her by assaulting physically and depriving her of food. With all these allegations, the aforesaid FIR came to be registered at the behest of respondent No.2.

8. 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 R.C.C. No.316/2025 are going on before the learned Judicial Magistrate First Class, Ashti.

9. The learned Advocate for the applicants submitted that the applicant Nos.2 to 5 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. He further submitted that applicant Nos.4 and 5 are the married sisters-in-law of the complainant and there are general allegations against them. He, therefore, submitted that the continuation of the criminal prosecution against the applicant Nos.2 to

5 would amount to an abuse of the process of law and, therefore, they have approached this Court seeking quashing of the FIR in question. He, therefore, prays for allowing the instant application.

10. Per contra, the learned APP appearing for the respondent No.1/State as well as the learned Advocate appearing for the respondent No.2/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. They then submitted that, it would be premature to conclude that they are not involved in the crime and 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.

11. After going through the FIR in question as well as the statements recorded by the Investigating Officer, 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 allegations against the applicant Nos.2 to 5 are found to be vague and general in

nature. It is also crucial to note that applicant Nos.4 and 5 are married and residing in their respective matrimonial home, and therefore, the allegations of harassment levelled against them are vague and omnibus. 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 5. 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. Neither the contents of the FIR nor the statements recorded by the Investigating Officer disclose any specific overt act on the part of applicant Nos.2 to 5, so as to attract the provisions of the penal sections invoked against them.

12. On a careful examination of the allegations in the FIR, it appears that the informant has attributed acts of harassment and ill-treatment to the applicants collectively. Every matrimonial dispute, domestic disagreement does not, by itself, amounts to cruelty under law. The allegations must be examined in their entirety to ascertain whether the alleged conduct falls within the scope of the provision. In the present case, the FIR filed by the informant merely reproduce general allegations of harassment against applicant Nos.2 to 5.

13. 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.

14. In view of the aforesaid discussion, it is found that the applicant Nos.2 to 5 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 and the criminal proceedings against the applicants deserve to be quashed and set aside to the extent of applicant Nos.2 to 5. Hence, the following order:

ORDER

(a) The Criminal Application is allowed to the extent of applicant Nos.2 to 5 and is dismissed as withdrawn to the extent of applicant No.1/husband.

(b) The FIR bearing C.R No.0274/2025, dated 24/07/2025, registered with the Ambhora Police Station, Tq. Ashti, Dist. Beed at the behest of respondent No.2/informant, for the offences punishable under Sections 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and the consequential criminal proceedings filed with the learned Judicial Magistrate First Class, Ashti, Dist. Beed, are hereby quashed and set aside to the extent of the applicant Nos.2 to 5.

[SUSHIL M. GHODESWAR, J.]

sjk