IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

990 CRIMINAL APPLICATION NO. 4060 OF 2025

1. Niraj s/o Sudhir Kate
2. Sudhir s/o Narayan Kate
3. Jayashree w/o Sudhir Kate
4. Kasturi Sudhir Kate ….APPLICANTS

VERSUS

1. The State of Maharashtra,
Thr. PSI, Police Station, Manvat,
Tq. Manvat, Dist. Parbhani

2. Akanksha w/o Niraj Kate
@ Akanksha d/o Ashok Kale ….RESPONDENTS

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Mrs M. A. Kulkarni, Advocate for Applicants
Mr V. M. Lomte, APP for Respondent No.1/State
Mr V. S. Pawar, Advocate for Respondent No.2

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 27th OCTOBER, 2026

P. C. :

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

2. 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.

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 Hence, this Criminal Application is dismissed as withdrawn in respect of applicant No.1/ husband.

4. Insofar as other applicant Nos.2 to 4 are concerned, they are in-laws of respondent No.2/ informant.

5. By this application, the applicants seek quashing and setting aside the FIR bearing C.R. No.0402/2025 dated 29/09/2025 registered against them with the Manvat Police Station, Dist. Parbhani at the behest of respondent No.2/informant, for the offences punishable under Sections 115(2), 3(5), 351(2), 352 and 85 of the Bharatiya Nyaya Sanhita, 2023 and the consequential criminal proceedings filed against them.

6. As per the report lodged by respondent No.2/ complainant, her marriage with applicant No.1/husband took place on 19/07/2024. Applicant Nos.2 to 4 are relatives of the said husband. After marriage, within three months, she returned to her maternal house and informed her parents that applicant No.1/husband is not keeping any type of relation with her. It is further alleged that, when she went back to her matrimonial house, all the applicants abused her. It is also alleged that applicant Nos.2 to 4 demanded Rs.5,00,000/- from her and driven her out of matrimonial house. It is also alleged

that she had gone for counseling, however, the applicants abused her and her parents. It is also alleged to the applicants used to doubt her character and subjected her to continuous mental cruelty. With all these allegations, the aforesaid FIR came to be registered at the behest of respondent No.2.

7. In pursuance of the aforesaid FIR, the investigation was set in motion and after completion of investigation, the charge-sheet was filed. Now, the criminal proceedings are going on before the learned Judicial Magistrate First Class, Manvat against the applicants.

8. The learned Advocate for the applicants submitted that the applicant Nos.2 to 4 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 the continuation of the criminal prosecution against them would amount to an abuse of the process of law, and therefore, they have approached this Court seeking quashing of the FIR in question. Therefore, he prays for allowing this application.

9. 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 submits that, it would be premature to conclude that these applicants are not involved in the crime and 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 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. It appears that the allegations against applicant Nos.2 to 4 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 4. The FIR contains only vague and omnibus allegations against them. Therefore, such bald allegations, in the absence of specific allegations disclosing individual involvement of applicant Nos.2 to 4 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 4, so as to attract the provisions of the penal sections invoked against them.

12. In view of the aforesaid discussion, it is found that the applicant Nos.2 to 4 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 to the extent of applicant Nos.2 to 4 and the criminal proceedings against them deserves to be quashed and set aside to their extent. Hence, the following order:

ORDER

(a) The Criminal Application is allowed to the extent of applicant Nos.2 to 4 and is dismissed as withdrawn to the extent of applicant No.1/ husband.

(b) The FIR bearing C.R. No.0402/2025 dated 29/09/2025 registered with the Manvat Police Station, Dist. Parbhani at the behest of respondent No.2/informant, for the offences punishable under Sections 115(2), 3(5), 351(2), 352 and 85 of the Bharatiya Nyaya

Sanhita, 2023 and the consequential criminal proceedings, are hereby quashed and set aside to the extent of applicant Nos.2 to 4.

[SUSHIL M. GHODESWAR, J.]

sjk