IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

52 CRIMINAL APPLICATION NO. 4204 OF 2025

Rohan Subhash Borade And Others
VERSUS
The State Of Maharashtra And Another
.....
Mr. D. M. Shinde, Advocate for Applicant.
Mr. C. V. Bhadane, APP for Respondent – State.
Mr. U. G. Mitkari, Advocate for Respondent No.2.
.....

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 12 OCTOBER, 2026

PC:

1. Heard Mr. Shinde, learned counsel for Applicants, Mr. Mitkari, learned counsel for respondent No.2, and Mr. Bhadane, learned APP, for the State.

2. The instant application has already been withdrawn to the extent of applicant No.1, who is stated to be the husband of the informant.

3. The applicants are seeking quashing of Crime No.383 of 2024, registered with the Kadim Jalna Police Station, District Jalna, for the offences punishable under Sections 85, 79, 115(2), 352, 351(2), 351(3) read with 3(5) of Bhartiya Nyaya Sanhita, 2023, as well as charge-sheet No.34 of 2025 dated 28 February 2025.

4. The aforesaid crime came to be registered at the behest of respondent–informant, who alleged that her marriage was solemnized with applicant No.1 on 3rd June 2024. Immediately after the marriage, she was allegedly subjected to harassment and she was beaten on account of a demand for Rs.20,00,000/-. She was also taken to her sister's house on 19th June 2024. Thereafter, she again returned to reside with applicant No.1, her husband. However, she alleged that she was again subjected to mental and physical harassment and, therefore, she left the matrimonial home on 25th August 2024. She further alleged that the applicants have harassed her mentally and physically, pursuant to which she has lodged the aforesaid complaint. Accordingly, Crime No.383 of 2024 came to be registered at Kadim Jalna Police Station, District Jalna, for the aforesaid offences. After completion of the investigation, the charge-sheet came to be filed.

5. Mr. Shinde, learned counsel for the applicants, submits that a bare perusal of the FIR and the statements of the witnesses reveals that no *prima facie* case is made out against the applicants. Moreover, applicant Nos.3 and 4 are residing in United State of America, while the other applicants were also residing at different places. He further submitted that the respondent–informant had levelled general allegations against all the applicants, implicating them in serious offences. Therefore, according to

learned counsel, no *prima facie* case is made out against the applicants, and the proceedings deserve to be quashed.

6. *Per contra*, Mr. Mitkari, learned counsel for respondent-informant, strongly opposed the instant Criminal Application. He took this Court through the statements of the informant and witness Priyanka to contend that the informant had been subjected to harassment by the applicants. He therefore submitted that the instant application deserves to be rejected and that the applicants should face trial.

7. After going through the submissions of the learned counsel for the parties and the material placed before this Court, it appears that the marriage of respondent No.2-informant with applicant No.1 was solemnized on 3rd June 2024, i.e., just approximately three and half months before the date of FIR. It is further pointed out that, after the marriage, the informant initially resided with the applicant No.1 till 19th June 2024 (i.e. 16 days) and thereafter again resided with him from 13th July 2024 till 25th August 2024 (42 days). During such period, it is very difficult to believe that the applicants have ill-treated the informant as alleged by her. It appears that the allegations against the applicants are general in nature and that the informant has implicated all her in-laws in the crime by making allegations against all the applicants.

8. The Hon'ble Apex Court in the case of **State of Haryana Vs. Bhajanlal,** 1992 Supp (1) SCC 335 observed that "where the allegations are absurd and inherently improbable on the basis of which, no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused," the prosecution against accused can be quashed. It is also observed that prosecution can also be quashed if criminal proceedings manifestly attended with mala fide and with an ulterior motive for wreaking vengeance with a view to spite him due to personal grudge.

9. After going through the entire charge-sheet, it reveals that the informant with a view to harass the applicants has deliberately implicated them in the report which is lodged just after three and half months after the marriage. It is submitted by applicants that the respondent No.2 started quarrel with applicant Nos.1 and 2 and also threatened them of implicating them in false case. Therefore, applicant No.1 filed complaint on 20th September 2024 with Bharosa Cell Pune. After coming to know about the said complaint, immediately after four days, she has filed report on 24th September 2024 by levelling allegations against all the relatives of applicant No.1.

10. In that view of the matter, it can be safely said that the allegations, as they stand against the applicants, do not disclose a *prima facie* case

warranting continuation of the criminal proceedings against them. Therefore, instant Criminal Application deserves to be allowed.

11. The Criminal Application is allowed. FIR No.383 of 2024 dated 24 September 2024, Charge-sheet No. 34 of 2025 dated 28 February 2025, and the proceedings in R.C.C. No. 227 of 2025, insofar as applicant Nos.2 to 8 are concerned, are hereby quashed and set aside.

(SUSHIL M. GHODESWAR, J.)