



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

980 CRIMINAL APPLICATION NO. 171 OF 2024

1. Dr. Sanjay S/o. Purshottam Ranalkar
2. Pankaj S/o. Purshottam Ranalkar
3. Manoj S/o. Purshottam Ranalkar
4. Mangala @ Bharti W/o. Manoj Ranalkar
5. Dipali @ Dipa W/o. Pankaj RanalkarApplicants

VERSUS

The State of Maharashtra & anotherRespondents

Mr. P. H. Patil, Advocate for Applicants.
Mr. B. B. Bhise, APP for the State.
Mr. Rahil Kazi, Advocate for Respondent No. 2.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 28th JANUARY, 2026.

PER COURT :

1. Applicants have preferred this application section 482 of the Code of Criminal Procedure seeking quashment of First Information Report No. 0118/2023 registered with Nijampur Police Station, Nijampur, Tq. Sakri, Dist. Dhule, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code and consequential proceeding in RCC No. 30/2024 pending on the file of learned Judicial Magistrate First Class, Sakri.

2. Brief facts of the case are as under :-

The marriage of Applicant No. 1 and Respondent No. 2 was solemnised on 09.03.2008. Applicant Nos. 2 and 3 are the elder brothers of Applicant No. 1, Applicant No. 4 is wife of Applicant No. 3 and Applicant No. 5 is wife of Applicant No. 2.

For initial 2 to 3 months, Respondent No. 2 was treated well. Thereafter, Applicant No. 1 started harassing her by abusing and threatening. In the year 2010, parents of Applicant No. 1 and Applicant no. 3 demanded Rs. 1,50,000/- for purchasing xerox machine and flat. On that count, Applicants started abusing and physically and mentally ill-treating her. It is further alleged that, on 22.02.2020 she was beaten and driven out of the house. On the basis of said allegations the above FIR No. 0118/2023 came to be registered against the present Applicants.

3. Learned Counsel for the Applicant submits that the allegations against the present Applicants are false and frivolous without attributing any specific role. Applicant Nos. 2 to 5 are residing separately from Applicant No. 1. Charge-sheet fails to establish the

essential elements of the alleged offences or provide any incriminating evidence linking Applicant Nos. 2 to 5 to the crime. They have never ill-treated Respondent No. 2 and they are falsely implicated in the crime. The proceedings were initiated with solitary motive of harassing the Applicants, rather than seeking justice for any actual wrongdoing. Only with an intention of harass the Applicants, they are implicated in the offence. Therefore, continuation of the FIR and further proceeding would be abuse of process of Court and law. Hence, prayed to allow the application.

4. Per contra, learned APP and learned counsel for Respondent No. 2 vehemently opposed the application submitting that the offence is serious in nature. The Applicants have subjected Respondent No. 2 to cruelty and domestic violence. The complainant has levelled specific and categorical allegation of physical and verbal abuse against the Applicants. Quashing the FIR/charge-sheet, at this stage, would result in miscarriage of justice for the Respondent, as the gravity of the alleged physical assault and the desertion of the wife are matters of fact that must be tested through cross-examination. As such, prayed to dismiss the application.

5. Having heard the learned Counsel for the litigating sides and perusing the material on record, including charge-sheet, the allegations lack the requisite specificity to sustain a criminal prosecution. The complaint appears to be a result of matrimonial discord.

6. The inclusion of nearest relatives based on vague and general allegations of abusing over small things indicates a growing trend of over-implicating relatives to exert undue pressure on the husband's family. The tendency is gaining ground in matrimonial disputes to implicate close relatives of the husband with a view to subject them to unnecessary hardship vis-a-vis trials and tribulations of frivolous prosecutions, which is nothing but sheer abuse of process of law.

7. Thus, it is evident that the initiation of criminal process is a serious matter with penal consequences involving coercive measures, which can be permitted only when specific act(s) which constitute offences punishable under the relevant provisions. With same vigour, criminalising domestic disputes without specific allegations and credible materials to support the same may have disastrous consequences for the institution of family, which is built on the

premise of love, affection, cordiality and mutual trust. Institution of family constitutes the core of human society. Matrimonial relationships are guided by deeply ingrained social values and cultural expectations. These relationships are often viewed as sacred, demanding a higher level of respect, commitment and emotional investment compared to other social or professional associations.

8. Thus, the preservation of family relationship has always been emphasised in our society. As such, when family relationships are sought to be brought within the ambit of criminal proceedings rupturing the family bond, Court should be circumspect and judicious, and should allow invocation of criminal process only when there are specific allegations with supporting materials on record which clearly constitute criminal offences alleged.

9. The matrimonial relations are fundamentally based on the cordiality and trust, turn sour to an extent to make a partner hurl allegations of cruelty and domestic violence against the other partner, would normally not happen at the spur of the moment and such acrimonious relationship would develop only in due course of time.

Accordingly, such circumstances are often the culmination of a series of acts that turns, an otherwise amicable relationship, into a fractured one. In cases involving allegations of domestic violence or cruelty, there would typically be a series of offending acts, which would require to clearly spelled out by the complainant against the perpetrators in specif terms to rope such alleged perpetrators in the criminal proceedings sought to be initiated.

10. After hearing learned Counsel for Applicants at length, when this Court was not inclined to consider the application of Applicant No. 1/husband in view of material on record, learned Counsel for Applicants seeks leave to withdraw the application of Applicant No. 1.

11. Leave granted. Application of Applicant No. 1 stands dismissed as withdrawn.

12. Thus, mere general allegations of harassment, without attributing the specific role against Applicant Nos. 2 to 5 would not suffice to initiate the proceedings and subject them to the trial and tribulations of a false case.

13. Resultantly, I am of the considered view that in cases relating to cruelty and domestic violence, the First Information Report and subsequent material, the allegations therein must be specific against each and every member of the family having accusation of such offences and are sought to be prosecuted.

14. Moreover, the allegations are predominantly vague and omnibus, failing to establish a prima facie case of systematic cruelty or a specific demand for dowry against Applicant Nos. 2 to 5. Thus, the continuance of proceedings against Applicant Nos. 2 to 5 by discriminately dragging them into the proceedings would amount to sheer abuse of process of law.

15. Accordingly, the application stands allowed in terms of prayer clause 'B' and 'B-2' qua Applicant Nos. 2 to 5.

16. The impugned complaint i.e. First Information Report No. 0118/2023 registered with Nijampur Police Station, Nijampur, Tq. Sakri, Dist. Dhule, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code and

proceedings in R.C.C. No.30/2024 for the aforementioned offences stand quashed and set aside qua Applicant Nos. 2 to 5.

17. Needless to state that the Trial Court shall proceed as against Applicant No. 1 (husband) in accordance with law.

(SACHIN S. DESHMUKH, J.)

dyb