



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1665 OF 2024

PRADIP PARASHURAM GHOYAL AND OTHETRS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicants : Mr. Ujwal S. Patil
APP for Respondents-State : Mr. P. P. Dawalkar
Advocate for Respondents : Mr. Aadil A. Shaikh h/f Mr. R. V. Gore

CORAM : SACHIN S. DESHMUKH, J.

Dated : 6th January, 2026

ORDER :-

1. The applicants have approached this Court seeking quashing of the complaint presented by the respondent No. 2 bearing Crime No. 260 of 2023 registered with the Soygaon Police Station, Dist. Aurangabad for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code.

2. The assertion raised in the complaint that the marriage between complainant and applicant No. 1 was solemnized on 18.02.2018 as per the customary rites and traditions. Thereafter, the informant was treated nicely for one year. The further assertion

is that the applicants No. 1 to 5 have been involved in acts of cruelty and domestic violence. The husband raised dispute on account of trivial issues and assaulted the informant by slaps and fist blows. The husband also suspected on the character of the informant and assaulted her. Eventually, the applicant No. 1 abandoned interaction with the informant and was driven out of the matrimonial house. While filing complaint, the sweeping allegations have been levelled against the in-laws, including the applicants No. 4 to 7. Raising an exception to the complaint, present proceeding has been presented under Section 482 of the CrPC.

3. Pertinently, vide order dated 18.04.2024, this Court dismissed the application to the extent of Applicants No. 1 to 3 as withdrawn. The scope of the application is therefore limited to Applicants No. 4 to 7

4. The learned counsel for the applicants submits that the filing of the complaint against the present applicants is nothing but a sheer abuse of process of law. The applicant No. 4 is the brother of the husband of informant whereas the applicants No. 5 to 7 are the married sisters. Applicants No. 5 to 7 are residing independently at their matrimonial houses along with their

respective husband.

5. Learned counsel for the applicants also submits that the allegations made in the complaint against these applicants are sweeping in nature. In the light of the sweeping allegations without attributing any specific role and the fact that the applicant No. 4 is the brother of the husband of informant and the applicants No. 5 to 7 are the married sisters, only in order to implicate these applicants in a false and frivolous proceedings, the complaint is filed. Therefore, prayed to quash the complaint against the applicants.

6. Per contra, learned counsel for original complainant submits that the offence is serious in nature. The applicants have subjected the informant to cruelty and domestic violence. As such, prayed to dismiss the application.

7. Having heard the learned counsel for litigating sides, the fact remains that the applicants herein are the blood relatives of the informant's husband; they are married and reside separately with their respective spouses. Except the sweeping and omnibus allegations in the FIR, no specific role is attributed as against these applicants. The tendency is gaining ground in matrimonial disputes to implicate close relatives of the husband with a view to subject

the them to unnecessary hardship vis-a-vis trials and tribulations of frivolous prosecutions, which is nothing but sheer abuse of process of law.

8. 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.

9. 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.

10. 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 specific terms to rope such alleged perpetrators in the criminal proceedings sought to be initiated.

11. Thus, mere general allegations of harassment, without attributing the specific role against the present applicants would not suffice to initiate the proceedings and subject them to the trial and tribulations of a false case.

12. Resultantly, I am of the considered view that in cases relating to cruelty and domestic violence, the FIR 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. Thus, the continuance of proceedings against these applicants by discriminately dragging these blood relatives into the proceedings would amount to sheer abuse of process of law. In order to achieve the ends of justice, the impugned FIR deserves to be quashed and set aside as against the applicants No. 4 to 7.

13. Accordingly, the application stands **allowed** in terms of prayer Clause (A) **to the extent of applicants No. 4 to 7**. The impugned complaint i.e. Crime No. 260 of 2023 registered with the Soygaon Police Station, Dist. Aurangabad for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, is hereby quashed and set aside **to the extent of the applicants No. 4 to 7**. No order as to costs.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi