



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

987 CRIMINAL APPLICATION NO. 2613 OF 2024

1. Shriram Subhash Sonawane
2. Pratibha Shriram SonawaneApplicants

VERSUS

The State of Maharashtra & othersRespondents

Mr. M. R. Deshmukh, Advocate for Applicants.
Mr. P. P. Dawalkar, APP for the State.
Mr. J. V. Patil, Advocate for Respondent No. 3.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 28th JANUARY, 2026.

PER COURT :

1. Applicants have preferred this application under Section 482 of Code of Criminal Procedure seeking quashment of charge-sheet No. 81/2023 and Crime No. 0130/2023 registered with Adawad Police Station, Tq. Chopda, Dist. Jalgaon for the offences punishable under Sections 498-A, 323, 504, 506 read with section 34 of Indian Penal Code. Taking cognizance by learned 2nd Jt. Civil Judge Junior Division and Judicial Magistrate First Class, Chopda, Dist. Jalgaon in RCC No. 16/2024 and further proceedings in view of the charge-sheet.

2. Applicant No. 1 is the brother-in-law of Respondent No. 3 and Applicant No. 2 is his wife. Marriage of Respondent No. 3 and accused Vijendra was performed on 21.03.2017. Accused Vijendra was serving at Thane and Respondent No. 3 started co-habiting with him after few months of marriage. It is alleged in the First Information Report that present Applicants had demanded amount of Rs. 1,00,000/- from the parents of Respondent No. 3 for purchasing plot. Since her parents could not fulfill the demand, Applicants started abusing and physically and mentally ill-treating her. It is further alleged that they drove her out from her matrimonial home. On the basis of these allegations, First Information Report came to be registered.

3. Learned Counsel for Applicants submits that the charge-sheet fails to establish the essential elements of the alleged offences or provide any incriminating evidence linking the Applicants to the crime. The Applicants are falsely implicated in the crime. There is no incriminating evidence against the Applicants. Further, the Applicants are residing separately from the complainant. The proceedings were initiated with solitary motive of harassing the Applicants, rather than seeking justice for any actual wrongdoing.

Only with an intention to harass the Applicants, the Applicants are implicated in the offence. Therefore, continuation of the FIR and further proceeding would be nothing but abuse of process of law. Hence, prayed to allow the application.

4. per contra, learned APP and learned Counsel for Respondent No. 3 vehemently opposed the application by 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 allgations 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 the 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. 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.

11. 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.

12. 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 the Applicants. Thus, the continuance of proceedings against the Applicants by discriminately dragging them into the proceedings would amount to sheer abuse of process of law.

13. Accordingly, the application stands allowed in terms of prayer clause 'B'.

14. The impugned complaint i.e. Charge-sheet No. 81/2023 out of Crime No. 0130/2023 registered with Adawad Police Station, Tq. Chopda, Dist. Jalgaon for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, taking cognizance of learned 2nd Jt. Civil Judge Junior Division and Judicial Magistrate First Class, Chopda, Dist. Jalgaon in RCC No. 16/2024 and further proceedings in view of the charge-sheet, is hereby quashed and set aside. No order as to costs.

(SACHIN S. DESHMUKH, J.)

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