



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

992 CRIMINAL APPLICATION NO. 3605 OF 2024

Kamal Bhaskar Kambale & othersApplicants

VERSUS

The State of Maharashtra & anotherRespondents

Mr. R. S. Kasar, Advocate for Applicants.

Mrs. P. V. Diggikar, APP for the State.

Ms. Manjusha Jagtap Ware, Advocate (appointed) for Respondent No. 2.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 12th FEBRUARY, 2026.

PER COURT :

1. Applicants have preferred this application seeking quashment of First Information Report bearing Crime No. 0547/2024 registered with the Ahmednagar Taluka Police Station, Ahmednagar, for the offences punishable under Sections 498-A, 323, 504, 506, 507 read with Section 34 of the Indian Penal Code and consequential proceedings bearing RCC No.1346/2024 filed before the learned Judicial Magistrate, First Class, Ahmednagar,

2. Applicant Nos. 1 and 2 are the inlaws of Respondent No. 2 and Applicant No. 3 is her brother-in-law. Respondent No. 2 lodged a complaint at Ahmednagar Taluka Police Station, Ahmednagar, for

the offences punishable under Sections 498-A, 323, 504, 506, 507 read with Section 34 of the Indian Penal Code.

3. Raising an exception to the said complaint, present proceeding has been presented under Section 482 of the Code of Criminal Procedure.

4. Learned Counsel for the 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. No specific role is assigned against the Applicants. The Applicants are residing at different place from the house of Respondent No. 2 and therefore, have no concern with the alleged offence. It is further submitted that present complaint is lodged with a solitary motive of harassing the Applicants, rather than seeking justice for any actual wrongdoing.

5. Learned Counsel for the Applicants also submits that the allegations made in the complaint against the present Applicants are sweeping in nature. In the light of the sweeping allegations without attributing any specific role, only in order to implicate the Applicants

in a false and frivolous proceedings, the complaint is presented. Therefore, prayed to quash the complaint and the consequential proceeding against the present Applicants.

6. Per contra, learned APP and learned Counsel for original complainant submit that the offence is serious in nature. The Applicants have subjected the informant to cruelty and domestic violence. The complainant has levelled specific and categoric allegations of physical and verbal abuses against all the Applicants, with particular incident. The complainant has also alleged that the Applicants were suspecting her character. Quashing of First Information Report/charge-sheet, at this stage, would result in miscarriage of justice for the Respondent and her children, as the gravity of the alleged physical assault and desertion of the wife are matters of fact that must be tested through cross-examination. As such, prayed to dismiss the application.

7. Having heard learned Counsel for litigating sides and perusing the material on record, including the charge-sheet, the allegations essentially lack the requisite specificity to sustain a criminal

prosecution. The complaint appears to be a result of matrimonial discord.

8. The inclusion of aged parents (Applicant Nos. 1 and 2) based on vague and general allegations of abusing over trifling reasons 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.

9. 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 material 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.

10. Thus, the prevention 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, those are conspicuously absent in the complaint.

11. 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 turn, an otherwise amicable relationship into a fractured one. In cases involving allegations of domestic violence of 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.

12. Thus, mere general allegations of harassment, without attributing the specific role against the present Applicants would not be sufficient 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 the Applicants. Thus,

continuance of proceedings against the present Applicants by discriminately dragging these blood relatives 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 'BB', to the extent of present Applicants.

(SACHIN S. DESHMUKH, J.)

dyb