



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 108 OF 2024

SURAJ RAMESH WAGHMARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for the Petitioners : Mr. V. B. Dhage
APP for Respondents-State : Mr. P. P. Dawalkar
Advocate for Respondent No. 2 : Mr. H. B. Nandagavale

CORAM : SACHIN S. DESHMUKH, J.

Date : 20th January, 2026

ORDER :-

1. The petitioners have approached this Court seeking quashing of the complaint presented by the respondent No. 2 i.e. the final report / charge-sheet dated 13.02.2024 arising out of Crime No. 437/2023 for the offences punishable u/s 498-A, 323, 504, 506 r.w. 34 of I.P.C. registered with the Dhoki, Police Station, Dist. Dharashiv alongwith order dt.. 13.02.2024 taking cognizance by the Ld. Judicial Magistrate First Class, Dharashiv, in R.C.C. No. 66/2024 and the further proceedings in view of the charge-sheet

2. The learned counsel for petitioners, on instructions, seeks withdrawal of the petition to the extent of petitioner No. 1 (husband). Accordingly, the writ petition stands dismissed as

withdrawn as against petitioner No. 1.

3. Respondent No. 2, the wife of Petitioner No. 1 and daughter-in-law of Petitioners No. 2 and 3, lodged a complaint on 16.10.2023 at Dhoki Police Station under Sections 498-A, 323, 504, 506, and 34 of the IPC. The respondent No. 2 and petitioner No. 1 were married on 17.12.2020 in Latur, a union for which the complainant's father allegedly spent approximately ₹20 lakh. The couple resided in Pune before Petitioner No. 1 transitioned to remote work in his hometown during the lockdown. They have a daughter born on 06.09.2022.

4. Following Petitioner No. 1's unemployment due to a recessionary layoff, the complainant alleges that the petitioners began subjecting her to physical and verbal abuse over demands for money from her parents. The complaint states that Petitioners No. 2 and 3 frequently harassed her over trivial matters, eventually leading to a physical assault by all petitioners on 18.04.2023. After an unsuccessful mediation attempt by her relatives, the complainant was forced to leave the matrimonial home and has resided with her parents since that date.

5. Raising an exception to the complaint, present proceeding has been presented under Section 482 of the CrPC.

6. The learned counsel for the petitioners submits that the charge-sheet fails to establish the essential elements of the alleged offences or provide any incriminating evidence linking the petitioners to the crime. Crucially, a statement recorded under Section 164 of the Cr.P.C. in C.R. No. 571/2023 reveals that the informant's father initially sought a reconciliation between the couple. It was only after Petitioner No. 1 declined this proposal that the present complaint was lodged. This sequence of events clarifies that the proceedings were initiated with solitary motive of harassing the petitioners, rather than seeking justice for any actual wrongdoing.

7. Learned counsel for the petitioners also submits that the allegations made in the complaint against these present petitioners are sweeping in nature. In the light of the sweeping allegations without attributing any specific role, only in order to implicate these petitioners in a false and frivolous proceedings, the complaint is presented. Therefore, prayed to quash the complaint against the petitioners No. 2 and 3.

8. Per contra, the learned APP and the learned counsel for original complainant submit that the offence is serious in nature. The petitioners have subjected the informant to cruelty and domestic violence. The complainant has levelled specific and categorical allegations of physical and verbal abuse against all petitioners, particularly the incident dated 18.04.2023. Quashing the FIR / charge-sheet, at this stage, would result in a miscarriage of justice for the respondent and her minor daughter, 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.

9. Having heard the learned counsel for 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 intensified by the petitioner No. 1's sudden unemployment rather than a structured demand for dowry or systematic cruelty.

10. The inclusion of the aged parents (petitioners No. 2 and 3) 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.

11. 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.

12. 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.

13. 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.

14. Thus, mere general allegations of harassment, without

attributing the specific role against the present petitioners i.e. petitioners No. 2 to 5 would not suffice to initiate the proceedings and subject them to the trial and tribulations of a false case.

15. 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.

16. 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 petitioners No. 2 to 5. The Court notes that the criminal proceedings were initiated only after the failure of reconciliation attempts, as evidenced by the Section 164 statement of the informant's father, indicating that the complaint is a retaliatory measure and an abuse of the legal process intended to exert pressure on the husband and his elderly parents. Thus, the continuance of proceedings against the petitioners No. 2 to 5 by discriminately dragging these blood relatives into the proceedings would amount to sheer abuse of process of law.

17. Accordingly, the application stands **allowed** in terms of prayer Clause (B-1-1) to the extent of petitioners No. 2 to 5.

18. The impugned complaint i.e. the final report/ charge-sheet dated 13.02.2024 arising out of Crime No. 437/2023 for the offences punishable u/s 498-A, 323, 504, 506 r.w. 34 of I.P.C. registered with the Dhoki, Police Station, Dist. Dharashiv a/w order Dtd. 13.02.2024 taking cognizance by the Ld. J.M.F.C. in R.C.C. No. 66/2024 and the further proceedings in view of the charge-sheet, is hereby quashed and set aside to the extent of the petitioners No. 2 to 5. No order as to costs.

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

(SACHIN S. DESHMUKH, J.)

Omkar Joshi