



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1125 OF 2024

1. Ganesh s/o Baburao Kande,
Age 30 years, Occu: Service,
R/o. Maharudra Niwas, Mauli Nagar,
Parali Vaijnath, District Beed,
At Present R/o. Pune
2. Sindhubai w/o. Baburao Kande,
Age 55 years, Occu. Household,
R/o. Maharudra Niwas, Mauli Nagar,
Parali Vaijnath, District Beed
3. Baburao s/o. Saudagar Kande,
Age 62 years, Occu. Nil,
R/o. As above
4. Pallavi w/o. Manoj Darade,
Age 34 years, Occu. Household,
R/o. Plot No.1104, A-Wing, Bhalchandra
Praspara, Raver, Pune
5. Majon s/o.Suryabhan Darade,
Age 38 years, Occu. Service,
R/o. As above
6. Shivaji Vaijnath Gite,
Age 35 years, Occu. Agri.,
R/o. Chausalkar Colony, Ambajogai,
District Beed
7. Bharat s/o. Janardhan Gite,
Age 62 years, Occu. Agri.,
R/o. Chandanwadi, Taluka Parali-
Vaijnath, District Beed
8. Bhagwat s/o. Vithalrao Munde,
Age 60 years, Occu. Retired,
R/o. Khatkeshwar Nagar, Lonar,
District Buldhana

Versus

.. Petitioners
(Original Accused)

1. The State of Maharashtra
Through Police Station, Modha,
District Parbhani
2. Neha w/o. Ganesh Kande,
Age 28 years, Occu. Yoga Teacher,
R/o. Ektanagar, Near Gandhi Vidyalaya,
Parbhani .. Respondents
(Respondent No.2,
Original complainant)

Mr. Uttam B. Bondar, Advocate for Petitioners;
Mr. P. P. Dawalkar, APP for Respondent No.1;
Mr. Pravin N. Kalani, Advocate for Respondent No.2

CORAM : SACHIN S. DESHMUKH, J.

DATE : 23-02-2026

PER COURT:-

1. The petitioners have approached this Court seeking quashing and setting aside the first information report bearing Crime No.228 of 2024, presented by respondent No.2/complainant, registered with Police Station, Modha, District Parbhani, for the offences punishable under Sections 498A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and and further consequential proceedings arising out of said crime i.e. Regular Criminal Case No.567 of 2024, pending before the learned Judicial Magistrate, First Class, Parbhani.

2. The assertion raised in the complaint that the marriage between respondent No.2/complainant and petitioner No.1 was solemnized on 16.06.2022 as per the customary rites and traditions. Thereafter, the informant was treated nicely for some

days. The further assertion is that petitioners No. 2 to 8 have been involved in acts of cruelty and domestic violence. Petitioner No.1/husband used to raise dispute on account of trivial issues and also assaulted the informant. Eventually, petitioner No.1 abandoned interaction with the informant and was driven out of the matrimonial house. While presenting the complaint, the sweeping allegations have been levelled against the in-laws, including the petitioners No.2 to 8. Raising an exception to the complaint, present proceeding has been presented under Section 482 of the Code of Criminal Procedure.

3. Learned counsel for the petitioners seeks leave for withdrawal of the petition to the extent of petitioner No.1/husband. Leave granted. The petition is, therefore, limited to petitioners No.2 to 8.

4. The learned counsel for the petitioners submits that the filing of the complaint against the petitioners is nothing but a sheer abuse of process of law. Petitioner No.1 is the husband, whereas, petitioners No.2 and 3 are the in-laws, petitioner No.4 is sister-in-law of respondent No.2. Petitioner No.5 is the husband of petitioner No.4. Petitioner No.6 is maternal brother-in-law. Petitioner No.7 is brother of petitioner No.2. Petitioner No.8 is the friend of petitioner No.3.

Since prior to marriage, petitioner No.1 is residing separately at Pune as he is in service at Pune. After marriage of the Petitioner no.1 with respondent no.2, at no point of time, petitioners No.4 to 8 have ever resided with petitioner No.1 and respondent No.2. At any point of time, they had no any concern with the marital affairs of husband and wife.

On 07.09.2022, respondent No.2 had left the house of the petitioners and went along with her father at her matrimonial house. Thereafter, the petitioners had made several efforts to bring Respondent No.2 for cohabitation, however, refused for the same and, on the contrary, shown desire for breaking up the marital relations with petitioner No.1. Petitioner No.1 is compelled to file divorce petition bearing H.M.P. No. 248 of 2023 in the Court of learned Civil Judge, Senior Division, Ambajogai on 10.10.2023. Thereafter, respondent No.2 had lodged complaint.

5. Learned counsel for the petitioners further submits that the FIR lodged on 02.05.2024 regarding the alleged incidents suffers from an unexplained delay. It is contended that the allegations are sweeping and frivolous, aimed solely at implicating the husband's relatives without attributing specific roles. Notably, petitioners No.2 to 8 have resided separately from petitioner No.1 and respondent No.2. The chargesheet fails to establish the leveled offences. Hence, prayed to allow the petition.

6. Per contra, the learned counsel for respondent No.2/complainant submits that the offence is serious in nature. The petitioners have subjected to cruelty and domestic violence the informant. As such, prayed to reject the petition.

7. Having heard the learned counsel for litigating sides, the fact remains that petitioners No.2 to 8 herein, are the blood relatives of petitioner No.1/the informant's husband; they are residing separately with their respective family. Except the sweeping and omnibus allegations in the first information report, no specific role is attributed as against petitioners No.2 to 8. The tendency is gaining ground in matrimonial disputes to implicate the 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 a sheer abuse of process of law.

8. 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 the same vigour, criminalizing 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. The 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 emphasized in our society. As such, when the family relationships are sought to be brought within the ambit of criminal proceedings rupturing the family bond, the Court should be circumspect and judicious, and should allow invocation of the criminal process only when there are specific allegations with supporting materials on record, which clearly constitute criminal offences as 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 the cases involving the allegations of domestic violence or cruelty, there would typically be a series of offending acts, which would require to be clearly spelled out by the complainant against the criminal proceedings sought to be initiated.

11. Thus, mere general allegations of harassment, without attributing the specific role against petitioners No.2 to 8, 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 the cases relating to cruelty and domestic violence, the FIR/chargesheet 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 petitioners 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 FIR/chargesheet and order issuing process/summons in the said proceedings under challenge, deserve to be quashed and set aside as against petitioners No.2 to 8.

13. Accordingly, the criminal writ petition stands allowed in terms of prayer Clause ("B and B-1") to the extent of petitioners No.2 to 8 only.

14. The complaint/first information report bearing Crime No.228 of 2024, presented by respondent No.2/ complainant, registered with Police Station, Modha, District Parbhani, for the offences punishable under Sections 498A, 323, 504 and 506 read with

Section 34 of the Indian Penal Code and and further consequential proceedings arising out of said crime i.e. Regular Criminal Case No.567 of 2024, pending before the learned Judicial Magistrate, First Class, Parbhani, is hereby quashed and set aside to the extent of petitioners No.2 to 8.

15. The criminal writ petition of petitioner No.1 stands dismissed as withdrawn.

[SACHIN S. DESHMUKH]
JUDGE

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