



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.61 OF 2025**

1. Sidhant s/o Ganpat Kamble,
Age: 32 years, Occup. Service,
R/o Jai Bharat Housing Society,
Padegaon, Chh. Sambhaji Nagar,
(Aurangabad). ..Husband

2. Ganpat s/o Shankarrao Kamble,
Age: 63 years, Occup. Pensioner,
R/o Jai Bharat Housing Society,
Padegaon, Chh. Sambhaji Nagar
[Aurangabad] ..Father-in-Law

3. Radhabai w/o Ganpat Kamble,
Age: 60 years, Occup. Household,
R/o Jai Bharat Housing Society,
Padegaon, Chh. Sambhaji Nagar
[Aurangabad] ..Mother-in-law

4. Prabhudh s/o Ganpat Kamble,
Age; 35 years, Occup. Service,
R/o Jai Bharat Housing Society,
Padegaon, Chh. Sambhaji Nagar
[Aurangabad] ..Brother-in-Law

5. Swati w/o Prabhudh Kamble,
Age: 30 years, Occup. Household,
R/o Jai Bharat Housing Society,
Padegaon, Chh. Sambhaji Nagar
[Aurangabad] ..Wife of brother-in-law

Versus

1. Rohini w/o Sidhant Kamble,
Age: 32 years, Occup. Household,
R/o N.K. Colony, Infront of Akashwani,
Peth, Beed, Dist. Beed

2. The State of Maharashtra
through Peth Police Station, Beed ..Respondents

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Mrs. Rashmi Kulkarni h/f Mr. Sanket S. Kulkarni, Advocate for Applicants.

Mr. S. N. Kendre, APP for Respondent-State.

Mr. C. N. Veer, Advocate for Respondent No.1.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 09th APRIL, 2026.

PRONOUNCED ON : 15th APRIL, 2026.

JUDGMENT:-

1. The applicants seeks quashment of FIR No.279/2024 registered with Peth Police Station, Dist. Beed for offences punishable under Sections 85, 115(2), 352, 351(2) and 3(5) of Bhartiya Nyaya Sanhita, 2023. The applicants have further prayed to quash and set aside charge-sheet in Regular Criminal Case No.44/2025 pending before Chief Judicial Magistrate, Beed.

2. The investigation was set in motion on basis of information given by respondent no.1. The sum and substance of allegation is that on 17.03.2024, she married with applicant no.1, who is Doctor by profession. After marriage, she started residing in matrimonial home. However, after eight days of marriage, in-laws started complaining about arrangements made in marriage and teasing her on that count. Her husband asked to bring Rs.25,00,000/- for purchase of Travel Bus and mentally and physically harassed her on that count. Her husband was in contact with several women and used to engage in conversations and exchange of messages with them. On 30.05.2024, she informed her parents and brother about ill-treatment meted to her. Her parents and other relatives visited her matrimonial home and requested in-laws to desist ill-

treatment towards her. Her in-laws used to support demand of money and instigate her husband to drive her out of home. Her brother-in-law and co-sister used to tease her and also support demand of Rs.25,00,000/-. The applicant no.1 used to consume liquor and abuse her.

3. The aforesaid information culminated into registration of FIR against in all five accused persons, investigation progressed and finally charge-sheet came to be filed.

4. On 03.02.2025 when application was posted for first hearing, on disinclination shown by this Court, application is withdrawn to extent of applicant no.1 and prosecuted only to extent of applicant nos.2 to 5. The applicant nos.2 and 3 are parents-in-law, whereas applicant nos.4 and 5 are brother-in-law and sister-in-law of informant.

5. Mrs. Rashmi Kulkarni, learned Advocate appearing for applicants submits that informant is doctor. She was employed with Radiology Department at Cancer Hospital, Aurangabad. Applicant no.1/husband is MD, Medicine and having his own practice. The respondent no.1 left matrimonial home within short span after marriage. When husband issued notice for restitution of conjugal right, Miscellaneous Application was filed by respondent no.1 for direction to register FIR. Her prayer was rejected by Court

and she was directed to record verification of complaint. Without proceeding to record verification of complaint and concealing aforesaid order, FIR was lodged on 22.09.2024 against applicants. She would submit that allegations against applicants/accused are false and bereft to make out any offence.

6. Per contra, Mr. Veer, learned Advocate appearing for respondent no.1 and learned APP appearing for respondent-State supports impugned order and submit that after due investigation charge-sheet has been filed and there is sufficient material for relegating applicants for trial.

7. Having considered submissions advanced by learned Advocates appearing for respective parties, this Court finds that respondent no.1 has described herself as homemaker, although she is medical practitioner and was in service in Cancer Hospital at relevant time. The allegations in complaint are mainly against behaviour of applicant no.1/husband. So far as other applicants are concerned, they alleged to have supported demand of money made by applicant no.1/husband for purchase of Travel Bus. Despite fact that both husband and wife are highly educated medical practitioners demand for purchase of Travel Bus cannot be countenanced. Even otherwise, allegations are missing necessary particulars. They are vague and omnibus. It does not specify nature of ill-treatment or harassment meted by applicants/accused

persons to informant. *Prima facie*, it is discernible that marriage between respondent no.1 and applicant no.1 was solemnized on 17.03.2024 and from 30.05.2024 itself respondent no.1 left company of her husband. When husband issued notice for restitution of conjugal right, present complaint appears to have been filed.

8. In light of aforesaid factual aspects, at this stage, reference can be given to observations made by the Supreme Court in case of ***Preeti Gupta and Another and Another Vs. State of Jharkhand and Another***¹, wherein Apex Court observed in paragraph nos.30, 32 and 34 as under :-

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

32. It is a matter of common experience that most of these complaints under section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.”

9. In yet another judgment in case of ***Kahkashan Kausar @ Sonam and Others Vs. State of Bihar and Others***², the

¹ (2010) 7 SCC 667.

² (2022) 6 SCC 599.

Supreme Court after taking stock of various earlier decisions in the subject matter, observed in paragraph no.17 as under:

“17. The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.”

10. Similarly, in case of **Sushil Kumar Sharma vs. Union of India and others**³, the Supreme Court observed in paragraph no.19 as under :-

“19. The object of the provision is prevention of the dowry meance. But as has been rightly contended by the petitioner many instances have come to light where the complaints are not bonafide and have filed with oblique motive. In such cases acquittal of the accused does not in all cases wipe out the ignomy suffered during and prior to trial. Sometimes adverse media coverage adds to the misery. The question, therefore, is what remedial measures can be taken to prevent abuse of the well-intentioned provision. Merely because the provision is constitutional and intra vires, does not give a licence to unscrupulous persons to wreck personal vendetta or unleash harassment. It may, therefore, become necessary for the legislature to find out ways how the makers of frivolous complaints or allegations can be appropriately dealt with. Till then the Courts have to take care of the situation within the existing frame work. As noted the object is to strike at the roots of dowry menace. But by misuse of the provision a new legal terrorism can be unleashed. The provision is intended to be used a shield and not assassins' weapon. If cry of "wolf" is made too often as a prank assistance and protection may not be available when the actual "wolf" appears. There is no question of investigating agency and Courts casually dealing with the allegations. They cannot follow any strait jacket formula in

the matters relating to dowry tortures, deaths and cruelty. It cannot be lost sight of that ultimate objective of every legal system is to arrive at truth, punish the guilty and protect the innocent. There is no scope for any pre-conceived notion or view. It is strenuously argued by the petitioner that the investigating agencies and the courts start with the presumption that the accused persons are guilty and that the complainant is speaking the truth. This is too wide available and generalized statement. Certain statutory presumption are drawn which again are reputable. It is to be noted that the role of the investigating agencies and the courts is that of watch dog and not of a bloodhound. It should be their effort to see that innocent person is not made to suffer on account of unfounded, baseless and malicious allegations. It is equally indisputable that in many cases no direct evidence is available and the courts have to act on circumstantial evidence. While dealing with such cases, the law laid down relating to circumstantial evidence has to be kept in view.”

11. Applying aforesaid exposition of law to facts and circumstances of present case and on perusal of statements of witnesses recorded in charge-sheet, it is discernible that all statements are stereotype and omnibus and does not specify role of applicants in commission of offence. This Court has every reason to form opinion that this is a case of over implication and misuse of social reformatory legislation in form of Section 498-A of Indian Penal Code. In such case, continuation of criminal proceeding would definitely amount to misuse of process of law. No offence can be made out from contents of FIR or charge-sheet against applicant nos.2 to 5. It would be futile exercise to relegate applicants to Trial Court. Hence, in light of guidelines laid down by Supreme Court in case of ***State of Haryana and Ors. Vs. Ch.***

Bhajan Lal and Ors.⁴, case is made out to exercise powers under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023.

12. In result, Criminal Application is allowed in terms of prayer Clauses (B) and (B-1).

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2026

⁴ AIR 1992 SC 604.