



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1025 OF 2025

1. Sumit Bhagwan Ghodake, (Husband)
Age: 34 years, Occu: Education,
2. Kalpana Bhagwan Ghodake, (Mother-in-law)
Age: 53 years, Occu: Household,
Both R/o. Jijamata Nagar, Hingoli,
Tq. & Dist. Hingoli.

Application of applicant nos.1 and 2 is dismissed as withdrawn vide courts
order dated 25.3.2025

3. Kiran Manish More, (Sister-in-law)
Age: 35 years, Occu: Household,
R/o. Akola, Tq. & Dist. Akola.
4. Bhagyashree Babasaheb Manohare, (Sister-in-law)
Age: 37 years, Occu: Household,
R/o. Latur, Tq. & Dist. Latur.
5. Babasaheb Ganpat Ingole, (Maternal Uncle)
Age: 47 years, Occu: Service,
R/o. Jijamata Nagar, Hingoli,
Tq. Dist. Hingoli

..Applicants

VERSUS

1. The State Of Maharashtra
Through Investigation Officer,
Police Station, Hingoli (Rural)
Tq. & Dist. Hingoli.
2. Komal Sumit Ghodake,
Age: 27 years, Occu: Household,
At present C/o. Shivaji Shravan Ingole
R/o. Sant Nagar, Narsi Phata, Hingoli
Tq. & Dist. Hingoli.

Respondents

Advocate for Applicants : Mr. D.M. Shinde
APP for Respondents: Mr. S.K. Shirshe
Advocate for Respondent 2 : Mr. A G Kale

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 16, 2026

FINAL ORDER :-

1. The applicants seek to quash the First Information Report no.95 of 2025 dated 27.02.2025 registered with Police Station Hingoli, Rural for the offences punishable under Section 85, 351(2), 351(3), 352, 3(5) of the BNS, 2023 so also charge-sheet dated 8.4.2025 and consequential proceeding in R.C.C. No.210 of 2025 pending before the Chief Judicial Magistrate, Hingoli.

2. Investigation was set in motion on basis of information given by respondent no.2. In short, she alleges that on 16.07.2014 she married with applicant no.1. After marriage, she resided at matrimonial home alongwith her husband, father-in-law, mother-in-law and sisters-in-law. She was treated well for initial one month. However, thereafter she was physically and mentally tortured for trifle reasons. She complained about misbehavior of in-laws to her parents. Thereafter, her husband treated her well for 7 to 8 months.

Again she was teased for reason that she did not conceive pregnancy even after one year of the marriage.

3. In second part of First Information Report, she alleges that her husband used to say that he was not offered gifts at the marriage and therefore she should bring Rs.2 Lakhs from them. When, she appraised of inability of her parents to fulfill the demand, her husband mentally and physically ill-treated her on instigation of in-laws. Her father visited her matrimonial home. Accused persons asked him to take informant back. Her husband and applicant no.5 insisted her to divorce and threatened to kill her.

4. The investigation progressed and finally charge-sheet came to be filed in the Court of Chief Judicial Magistrate at Hingoli against in all five accused persons.

5. On 25.3.2025 when present application was heard, this Court expressed disinclination to grant any relief in favour of applicant nos.1 and 2. Accordingly, application came to be **disposed off as withdrawn** to the extent of applicant nos.1 and 2 and application is proceeded on behalf of applicant nos.**3 to 5 only**.

6. Learned advocate appearing for applicants submits that applicant nos.3 and 4 are married sisters of applicant no.1 and they are residing at their matrimonial places, so also applicant no.5, who is maternal uncle of applicant no.1, resides separately and unconcerned with family affairs of applicant no.1. However, they are falsely implicated in the aforesaid crime.

7. Learned A.P.P. for respondent no.1 and Mr. A.G.Kale, learned advocate appearing for respondent no.2 submits that there is sufficient material to relegate applicants for trial and there is no reason to invoke inherent jurisdiction of this Court and entertain applicants prayers to quash FIR and consequential proceeding.

8. Having considered submissions advanced by learned advocates appearing for respective parties, it is discernible from the record that apart from allegations in First Information Report, respondent no.2 has recorded her supplementary statement, wherein she elaborated contents of FIR. Even, on consideration of FIR alongwith supplementary statement, it is discernible that allegations against applicants are omnibus and bereft to specify their roles in commission of offence. Sum and

substance of allegations in FIR depict that respondent no.2 has grievance against her husband. The allegations of assault and threats are only against accused no.1-husband. All other accused are said to have instigated husband in his demand for money and gift. Perusal of statements of witnesses recorded during course of investigation shows that there are no specific averments constituting offence under section 85 of BNS as against applicants. The contents thereof are also stereo-type and omnibus.

9. At this stage, reference can be given to the observations of Hon'ble Supreme Court in case of **Kahkashan Kausar alias Sonam and Others Versus State of Bihar and Others reported in (2022) 6 SCC 599**, wherein paragraph no.17 reads thus :-

“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 analyzing 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 **Preeti Gupta and Another Versus State of Jharkhand and Another**, reported in (2010) 7 SCC 667, Hon'ble court held 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 bonafide 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."

11. Yet, in another case of **Geeta Mehrotra and Another Versus State of Uttar Pradesh and Another** reported in (2012) 10 SCC 741, it is observed as under :-

25. However, we deem it appropriate to add by way of caution that we may not be misunderstood so as to infer that even if there are allegations of overt act indicating the complicity of the members of the family named in the FIR in a given case, cognizance would be unjustified but what we wish to emphasis by highlighting is that, if the FIR as it stands does not disclose specific allegation against accused more so against the co-accused specially in a matter arising out of matrimonial bickering, it would be clear abuse of

the legal and judicial process to mechanically send the named accused in the FIR to undergo the trial unless of course the FIR discloses specific allegations which would persuade the court to take cognizance of the offence alleged against the relatives of the main accused who are prima facie not found to have indulged in physical and mental torture of the complainant-wife. It is the well settled principle **laid down in** cases too numerous to mention, that if the FIR did not disclose the commission of an offence, the court would be justified in quashing the proceedings preventing the abuse of the process of law. Simultaneously, the courts are expected to adopt a cautious approach in matters of quashing specially in cases of matrimonial dispute whether the FIR in fact discloses commission of an offence by the relatives of the principal accused or the FIR prima facie discloses a case of over-implication by involving the entire family of the accused at the instance of the complainant, who is out to settle her scores arising out of the teething problem or skirmish of domestic bickering while settling down in her new matrimonial surrounding.

12. Considering aforesaid exposition of law and material in charge-sheet, this Court finds that allegations in FIR are exaggerated. It is a case of over-implication. All the family members of husband and relatives are sought to be implicated on the basis of omnibus allegations, which are bereft to constitute any offence. This Court finds that applicant nos.3, 4, and 5 were not holding shared common residence with the respondent no.2 and her husband. Applicant no.3 resides at Akola whereas Applicant no.4 resides at Latur. Applicant no.5

is separately residing. He is Head Master in the school. One sentence allegation is made against him regarding instigation to husband, which would not bring home ingredients of alleged offences.

13. In light of aforesaid factual scenario and exposition of law, this Court holds that case is made out by applicants to exercise inherent powers.

14. In result, criminal application is allowed in terms of prayer clauses **B** and **B-1 to the extent of applicant nos.3 to 5 only** and **disposed of**.

[S. G. Chapalgaonkar]
Judge

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AAA/f