



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.1052 OF 2025**

1. Rameshwar S/o Babasaheb Shende,
Age:- 30 years, Occ. Agril,
R/o: Mandve-Tambewadi,
Tq. Shrirampur,
District Ahilyanagar/Ahmednagar [Husband]
2. Sau. Nirmala W/o Babasaheb Shende,
Age:- 48 years, Occ. Household,
R/o: As above [Mother-in-law]
3. Babasaheb S/o Gorakshanath Shende,
Age:- 50 years, Occ. Agril.,
R/o: As above [Father-in-law]
4. Sangita D/o Gorakshanath Shende
Age:- Major, Occ. Household,
R/o: As above [Mother-in-law/Sister of applicant No. 3]
5. Jyoti W/o Shivaji Kundnar
Age:- Major, Occ. Household,
R/o: R.M Hights, Indira Shankar Nagari.
Kothrud, Pune City,, Dist Pune. [Sister-in-law]
6. Sheetal @ Pooja W/o Haribhau Pisal
Age:- Major, Occ. Household,
R/o: Wangi, Tq. Shrirampur,
Dist Ahilyanagar/Ahmednagar [Sister-in-law]
7. Haribhau S/o Kailash Pisal
Age:- Major, Occ. Agril.,
R/o: Wangi, Tq. Shrirampur,
Dist Ahilyanagar/Ahmednagar [Brother-in-law]
8. Shivaji S/ o Bapu Kundnar
Age:- Major, Occ. Business,
R/o: R.M Hights, Indira Shankar Nagari.
Kothrud, Pune City,, Dist Pune. [Brother-in-law]
9. Dattu S/o Dagdu Balme,
Age:- Major, Occ. Agril.,
R/o: Wadner, Tq. Rahuri,
Dist Ahilyanagar/Ahmednagar
[Maternal Uncle of applicant No. 1]

Versus

1. The State of Maharashtra,
Through the Police Inspector,
Rahuri Police Station, Rahuri,
Tq. Rahuri, and District Ahilyanagar
2. Savita Rameshwar Shende,
Age: 31 Years, Occup. Household,
R/o: Vavrath Jambhali,
Tq. Rahuri, District Ahilyanagar. ..Respondents
(Orig. Complainant)

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Mr. Amol A. Pawar, Advocate for Applicants.
Mr. S. D. Ghayal, APP for Respondent-State.
Mr. A. E. Madne, Advocate for Respondent No.2 (Appointed).

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CORAM : S. G. CHAPALGAONKAR, J.
DATED : 04th FEBRUARY, 2026.

FINAL ORDER:-

1. The applicants seeks quashment of FIR in Crime No.1227/2024 registered with Rahuri Police Station, Dist. Ahilyanagar for offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of Indian Penal Code and consequential proceeding in Regular Criminal Case No.47/2025 pending before Judicial Magistrate First Class at Rahuri. The applicants have also challenged order dated 21.02.2025 taking cognizance of final report submitted by police.

2. On 28.03.2025 on disinclination shown by this Court, applicant nos.1 to 4 withdrawn application. Eventually, it is dismissed to their extent. Therefore, it is pressed into service to the extent of applicant nos.5 to 9 only.

3. The investigation was set in motion on the basis of information given by respondent no.2 alleging that she married on 20.06.2021. At the time of marriage dowry of Rs.1,00,000/- with gold and silver ornaments was presented by her parents. After marriage, she resided with her husband and in-law at village Mandve (Tambewadi), Taluka Shrirampur. It is alleged that after eight days of marriage her husband, mother-in-law and cousin of mother-in-law started teasing her in pursuance to demand at marriage and also doubted her character. Her husband was telling that he wanted to marry with daughter of his maternal uncle. It is further alleged that at the time of Navratri Festival, she was again ill-treated in pursuance to demand of gold ornaments etc.. There are further allegations that she was assaulted at multiple times by her in-laws. In pursuance to aforesaid information, investigation progressed and charge-sheet has been filed in Court of Judicial Magistrate First Class at Rahuri. Accordingly, Regular Criminal Case No.47/2025 is registered and pending before Judicial Magistrate First Class at Rahuri.

4. Since application has been dismissed as withdrawn to the extent of applicant nos.1 to 4, it is necessary to find out nature of allegations against applicant nos.5 to 9. The applicant no.5 is sister-in-law of informant and she resides at Pune. The applicant no.6 is also sister-in-law and resides at Wangi, Taluka Shrirampur.

The applicant no.7 is husband of applicant no.6. The applicant no.8 is husband of applicant no.5. The applicant no.9 is maternal uncle of husband, who resides at Wadnere, Taluka Rahuri. Since applicant nos.5 and 6 are married sisters, they are residing at their matrimonial houses alongwith their husbands. It is, therefore, clear that applicant nos.5 to 9 have never resided together alongwith informant and her family members. The role of applicants is specified to the extent that they were telling applicant no.1/husband that they were not treated well by informant and because of their instigation she was assaulted by husband. There are no specific allegations or attributions against them. The statements employed against them are general in nature. No specific dates as to incident of ill-treatment attributed by them are mentioned. No particulars of such ill-treatment are given. The omnibus statement is made that all accused persons have assaulted informant.

5. Perusal of statements in charge-sheet shows that those are based on hearsay information and stereotype in nature. At this stage reference can be given to observations of Supreme Court in case of ***Preeti Gupta and Another Vs. State of Jharkhand and Another***¹, wherein it is observed 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

¹ (2010) 7 SCC 667.

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.”

6. Further Supreme Court in yet another judgment in case of ***Kahkashan Kausar @ Sonam and Another vs The State Of Bihar and Others***² observed as under:

“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.”

7. In light of exposition of law by Supreme Court, if allegations in FIR and charge-sheet is appreciated, no case can be made out against applicant nos.5 to 9 for commission of alleged offence. In

fact, FIR appears to be exaggerated version to implicate as many as relatives of husband as accused. The applicants were not residing in shared accommodation alongwith respondent no.2 or her family members. No specifications are given as to when and for what purpose they visited house of respondent no.2. Even nature of allegations against them is omnibus and unacceptable.

8. In that view of matter, this Court finds that permitting continuation of prosecution against applicant nos.5 to 9 would be abuse of process of law. Hence, it is imperative to exercise inherent powers under Section 482 of Code of Criminal Procedure or Section 528 of Bharatiya Nagari Suraksha Sanhita, 2023 to quash FIR and further proceeding to the extent of applicant nos.5 to 9.

9. In result, Criminal Application is allowed to the extent of applicant nos.5 to 9 in terms of prayer Clauses (B), (B-1) and (B-2).

10. Since Mr. Madne, learned Advocate is appointed through legal aid to represent respondent no.2, the Secretary, High Court Legal Services Sub-Committee, Aurangabad Bench do pay the fees of the appointed counsel for respondent no.2 as per schedule.

(S. G. CHAPALGAONKAR)
JUDGE