



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1147 OF 2025

1. Yogesh Bhagwan Tirmale, Husband
age 33 yrs, Occ. Labour
2. Bhagwan s/o Uttam Tirmale, Father in law
age 62 yrs, Occ. Agri

Both applicant nos.1 and 2
R/o village Tandali, Post, Shahapur,
Tq Amalner, Dist. Jalgaon

3. Bhagvat s/o Bhagwan Tirmale, brother in law
age 41 yrs, Occ. Labour
4. Arti @ Artiben Bhagvat Tirmale Sister in law.
Age 34 yrs, Occ. Housewife,
Both applicant nos.3 and 4
R/o Hanuman Nagar-2, Near Bharat Desaini,
Wadi, Chandan Talao, Vijalpore,
Eru, Navsari, Gujrat 396450.

Applicants.

VERSUS

1. The State Of Maharashtra
Through Police Station
Mehunbar Dist. Jalgaon
2. Pratibha W/o. Yogesh Tirmale
Age:- 25 years, Occu: Nil
Tq. Chalisgaon Dist: Jalgaon
Email Id: pratibhatrimali@gmail.com

Respondents

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Advocate for Applicants : Mr. Y.L. Bidve
APP for Respondents: Mr. S. P. Joshi
Advocate for Respondent 2 : Mr. U.S. Patil
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CORAM	:	S. G. CHAPALGAONKAR, J.
Dated	:	April 09, 2026

FINAL ORDER :-

1. The applicants seeks quashment of the First Information Report no.253 of 2024 dated 2.10.2024 registered with Police Station Mehunbare, District. Jalgaon for offences punishable under sections 115, 351(2), 351(3), 352, 85, read with section 3(5) of Bharatiya Nyaya Sanhita, 2023. By way of amendment applicants inserted prayers for quashing of the charge-sheet and consequential proceeding in RCC No.145 of 2025 pending before the Judicial Magistrate First Class, Chalisgaon.

2. The investigation was set in motion on the basis of information given by respondent no.2. In nutshell, she alleges that on 1.5.2018, she married with applicant no.1/Yogesh. She resided in matrimonial home at village Tandali alongwith the applicants. Couple is blessed with two daughters. After 3-4 months of the marriage, she was mentally and physically ill-treated for the reason that gifts were not given by her parents at the marriage. Thereafter, demand was raised for Rs. 1 Lakh under the pretext of purchase of plot. She was teased saying that she is not educated, etc. In second part of First

Information Report, she alleges that after birth of second daughter, she was sent back to maternal home. On 26.11.2018, a meeting was arranged for conciliation of dispute. However, in-laws abused and insulted her grand father and warned that, if amount of Rs.1 Lakh is not paid, applicant no.1 will divorce the informant. The aforesaid information was culminated into registration of FIR. Eventually, investigation progressed and Charge-sheet came to be filed against in all four accused persons. On 25.4.2025 application was taken up for first hearing. It has been dismissed as withdrawn to the extent of applicant nos.1 and 2. Only, applicant nos.3 and 4 are before this Court. They are brother-in-law and sister in law of respondent no.2.

3. Heard learned advocates appearing for the respective parties.

4. Perusal of the First Information Report and material in charge-sheet depicts that, allegations in FIR are omnibus, against all accused persons. No specific incident or attributions are made against applicant nos.3 and 4 that would attract ingredients of any offence. It is discernible from record that on 9.7.2024 applicant no.1 had filed proceeding in HMP no.233 of

2024 for restitution of conjugal rights against respondent no.2. Immediately, on 2.10.2024 present FIR has been lodged. The statement of witnesses which are made part of charge-sheet are stereo-type and does not disclose specific role of applicant nos.3 and 4 in commission of offence. The copies of Aadhar card placed on record of this Court shows that the applicant nos.3 and 4 are resident of Gujarat and they never resided with the informant and other accused persons in shared accommodation.

5. At this stage, reference can be given to the observations made by Hon'ble Supreme Court in case of ***Preeti Gupta and another Vs. State of Jharkhand and another, reported in (2010)7 SCC 667*** wherein the 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.”

6. In yet another matter of ***Kahkashan Kausar alias Sonam and others Vs. State of Bihar reported in (2022)6 SCC 599***, 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 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”.

7. Similarly, in the case of ***Geeta Mehrotra and Another Versus State of Uttar Pradesh and Another*** reported in ***(2012) 10 SCC 741*** observed in para no.25 as unders.

“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.”

8. In light of the aforesaid exposition of law, if the contents of the First Information Report and charge-sheet are considered alongwith documents tendered by the applicants, this Court has no hesitation to hold that this is a case of over implication. The FIR is tainted with malafides and all family members of the husband are implicated as accused by omnibus allegations, which are insufficient to constitute ingredients of offences alleged.

9. In result, this Court holds that case is made out to exercise inherent powers under section 528 of the Bharatiya Nagarik Suraksha Sanhita. Hence, application is **allowed** in terms of prayer clause “**B**” and disposed of.

(S. G. CHAPALGAONKAR)
Judge

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