



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

CRIMINAL APPLICATION NO.1270 OF 2025.

1. Ganesh Sakharam Jaybhay
Age: 45 years, Occu: Agri,
R/o. Ganganagar, Hingoli,
Tq. & Dist. Hingoli.
2. Jyoti Ganesh Jaybhay,
Age: 42 years, Occu: Housewife,
R/o. Ganganagar, Hingoli,
Tq. & Dist. Hingoli.
3. Rohit Ganesh Jaybhay,
Age: 21 years, Occu: Labour,
Tq. & Dist. Hingoli.

Applicants
[orig.accused.]

Versus

1. The State of Maharashtra,
Through P.S.I. Police Station,
Hatta, Tq. & Dist. Hingoli.
2. Victim XXX
R/o. XXX .

Respondents.

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Advocate for Applicants : Mr. P. S. Agrawal
APP for Respondent : Mrs. R. R. Tandale
Advocate for Respondent no.2(Appointed): Mr. S.S.Sarda

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 02, 2026

FINAL ORDER :-

1. The applicants seeks quashment of the FIR in crime no. 508 of 2024 dated 11.12.2024 registered with police station Hatta, District Hingoli for the offences punishable under sections 69, 115(2), 352, 351(2), 3(5) of BNS and Section 3(1)(r), 3(1)(s), 3(1)(w), 3(2)(va), 3(2)(5) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short SCST Act). Applicants further seeks to challenge the order dated 25.7.2025 issuing process in Special Case No. (Sessions) 33 of 2025 pending before the Additional Sessions Judge, at Wasmat to the extent of the applicants.

2. The investigation was set in motion on the basis of information given by respondent no.2 alleging that she married to one Prakash Khade in the year 2017. She is blessed with two children out of matrimonial relationship. Her husband is doing mason work. She resides alone at home. In the month of March, she got acquaintance with applicant no. 3. Since then, she was in conversation with him. She developed friendship with applicant no.3. Thereafter their love affair started. In the month of August, she received phone call from accused no. 3. He took her to Aundha Nagnath Jawala Bazar at Yashoda Lodge and expressed his love for her and also expressed that he is willing to marry her. Although, he was knowing about her marital status, he expressed desire to marry her. As such, he established physical relationship and continued so on for every Sunday. On 2.11.2024 accused no.3 called her at Hingoli. She resided with him till 17.11.2024 at Hingoli. Thereafter, he took her to Hatta to drop at her husband's house. Her husband refused to accept her.

Thereafter, she returned back to Hingoli. On 01.12.2024 she went alongwith accused no.3 with intention to visit Pune but accused left her alone. Thereafter, when she visited house of applicants, it was locked. She removed lock and entered in the house. At 9 p.m. parents of applicant no.3 (i.e. applicant nos.1 and 2) arrived at home and asked her to leave. Thereafter, she filed complaint.

3. Aforesaid information culminated into registration of the FIR in crime no.508 of 2024 for the aforesaid offences.

4. Present application was taken up for hearing on 4.9.2025. On disinclination of this Court to entertain application on behalf of accused/applicant no.3, it was **withdrawn**. As such, present application is proceeded only to the extent of **applicant nos.1 and 2**.

5. Mr. Agrawal, learned advocate appearing for applicants submits that applicants are parents of accused no.3. Contents of FIR does not constitute any offence against applicants. Respondent no.2 maintained love affair with accused/applicant no.3. There was discord between them. Therefore, false FIR has been filed implicating the applicants. He would therefore urge to quash and set aside the FIR and consequential proceeding.

6. Per contra, Mrs. Tandale learned APP appearing for respondent no.1 and Mr. Sarda, learned advocate appearing for respondent no.2 opposes prayers in the application.

7. Having considered submissions advanced by learned advocates appearing for respective parties and on perusal of record tendered into service, it is discernible that respondent no.2 is a married lady having two children from the husband. She had love affair with accused/applicant no.3. The narration in FIR shows that she maintained physical relationship with accused/applicant no.3. So far as role of applicant nos.2 and 3 is concerned, it is alleged that she resided in their house from 2.11.2024 to 17.11.2024. Thereafter, they dropped her at the house of her husband, however, her husband refused to accept her. At that juncture, they assured that they will arrange marriage of their son with respondent no.2. It is further alleged that on 7.12.2024 she entered in the house of applicants by removing lock. In that evening, applicant nos.1 and 2 abused her and asked her to leave their home.

8. From averments in the FIR, it is difficult to make out any cognizable offence against applicant nos.1 and 2. Even statements in the charge-sheet does not support allegations against applicants.

9. At this stage, reference can be given to the guidelines laid down by the Supreme Court of India in case of **State of Haryana and Others Versus Ch. Bhajan Lal and Others** Reported in **1992 Supp(1) SCC 335** wherein, in paragraph no.108 it is observed that

Para No. 108:-

1. Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
2.
3. Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused and;
4.
5.
6.
7. Where a criminal proceeding is manifestly attended with a malafide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

The inherent powers can be exercised to quash the criminal proceeding.

10. Looking to the factual matrix of the present matter, this Court finds that allegations in the FIR does not constitute cognizable offence or particularly offences as depicted in FIR.

There is nothing to suggest that applicants have any way instigated commission of offence by accused/applicant no.3 or their act constitute offences under Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989. The FIR appears to be aimed to pressurize applicants/accused persons to accept respondent no.2 as their daughter-in-law, particularly when respondent no.2 is already married and her marriage with husband is still subsisting.

11. In light of the aforesaid factual backdrop coupled with principles of law enunciated by the Hon'ble Supreme Court of India in case of **Bhajanlal** (supra), this Court finds that case is made out to exercise inherent powers under section 528 of the BNSS to the extent of **applicant nos.1 and 2 only**. Hence, following order.

Order

- i. Criminal application is allowed in terms of prayer clause **C-2** and **disposed of**.
- ii. Since Advocate Mr. S.S. Sarda is appointed to represent the cause of respondent no.2, the Secretary, High Court Legal Services Authority, Aurangabad to pay the legal fees as per rules.

(S. G. CHAPALGAONKAR)
Judge

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