



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 611 OF 2024

Mahesh Uttamrao Mokashe  
Age : 39 yrs, Occu : Service  
R/o. Sanjivani Colony, Chopda  
Tq. Chopda, Dist. Jalgaon

... **APPLICANT**  
(Accused No.4)  
(Brother in law)

**VERSUS**

1. The State of Maharashtra  
Through Police Station Officer,  
Chopda Rural Police Station, Chopda  
Tq. Chopda, Dist. Jalgaon

2. Bhagyashree Yogesh Mokashe  
Age : 26 years, Occu : Household,  
R/o. Hated Village  
Tq. Chopda, Dist. Jalgaon

... **RESPONDENTS**  
(No.2 Orig. Complainant)

...

Mr. A. R. Syed, Advocate for Applicant  
Mr. S. D. Ghayal, APP for Respondent/State

**AND**

CRIMINAL APPLICATION NO. 1434 OF 2025

1. Mangalabai Uttamrao Mokashe  
Age : 59 yrs, Occu : Household

(Mother in law)

2. Uttamrao Dhondur Mokalhe  
Age : 60 yrs, Occu : Agri  
Both R/o. Hated Bk.  
Tq. Chopda, Dist. Jalgaon

... **APPLICANTS**  
(Father in law)

**VERSUS**

1. The State of Maharashtra  
Through Police Station Officer,  
Chopda Rural Police Station, Chopda  
Tq. Chopda, Dist. Jalgaon
2. Bhagyashree Yogesh Mokashe  
Age : 26 years, Occu : Household,  
R/o. Hated Village  
Tq. Chopda, Dist. Jalgaon

... **RESPONDENTS**  
(No.2 Orig. Complainant)

...

Mr. A. R. Syed, Advocate for Applicants  
Mr. S. D. Ghayal, APP for Respondent/State

**CORAM : S. G. CHAPALGAONKAR, J.**

**DATED : 16<sup>th</sup> FEBRUARY, 2026**

**FINAL ORDER :-**

1. The applicants seeks quashment of FIR dated 18.09.2023 in Crime No. 171/2023, registered with Chopda (Rural) Police Station, District Jalgaon for offences punishable under Sections 498-A, 323, 504, 506, 510 read with 34 of Indian Penal Code.
2. The investigation was set in motion on the basis of information given by Respondent No.2 stating that on 25.01.2015 she married with accused No.1-Yogesh. After marriage, she resided along with her in-laws. Initially, she was treated well, however, her husband was addicted to vices like drinking and gambling. He started ill-treating her. She was forced to leave matrimonial home at several occasions.
3. On 16.09.2023, when she was at home, her husband arrived in

drunken condition and raised demand for Rs.1,50,000/-. On refusal to accede with his demand, he assaulted her. It is alleged that Applicants/in-law supported husband in his demand. The aforesaid information culminated into registration of Crime No. 171/2023 against in all four accused persons. The applicants before this Court are father-in-law, mother-in-law and brother-in-law of informant. It appears that investigation progressed in pursuance to registration of offence and charge-sheet has been filed against applicants in the Court of Judicial Magistrate, First Class at Chopda. Eventually, R.C.C. No. 229/203 is pending trial before Court.

4. Mr. A. R. Syed, learned Advocate appearing for applicants submits that allegations in FIR are general and vague. The contents of FIR and charge-sheet are not sufficient to make out any offence against applicants. No specific attributions are made in FIR or statements of witnesses so as to attract charged offences.

5. Learned APP opposes the applications.

6. Although notice is served upon Respondent No.2, none appeared.

7. A perusal of FIR would suggest that Respondent No.2 married with Yogesh in year 2015. The couple is blessed with two children. Since date of marriage, she was residing along with her husband. The applicants herein were separately residing. Applicants in Criminal Application No.1434 of 2025

were residing in a separate accommodation in same town, whereas applicant in Criminal Application No. 611 of 2024 was residing at Chopda as he was serving at Hated. The FIR itself stipulates that there were differences between informant as husband had vices like drinking liquor and gambling. The gist of allegation reveals that grievance of informant is mainly against her husband. The only allegation against applicants is that they abused her and blamed her for vices of Yogesh. A perusal of charge-sheet shows that statement of father, mother, sister and other relatives recorded during investigation are hearsay and contains general omnibus stereotyped allegations. In aforesaid backdrop, it is evident that ingredients of offence under Sections 498-A or 510 of Indian Penal Code would not attract against Applicants.

8. Accused No.1/husband, died after lodging of FIR. The present applicants were not residing in shared accommodation along with informant. They are implicated as accused only on the basis of general and omnibus allegations. In this backdrop, reference can be given to the observations of Supreme Court in case of ***Preeti Gupta and another Versus State of Jharkhand and another, (2010) 7 Supreme Court Cases 667***, wherein Supreme Court cautioned about tendency of implicating husband and all his immediate relations. It is further observed that, long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is further observed that, exaggerated versions of incident are reflected in a large

number of complaints. The tendency of over implication is also reflected in a very large number of cases and it is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in existing law. The keeping in mind aforesaid exposition of law coupled with contents of FIR and charge-sheet, this Court finds that present case is another example of over implication. The prosecution of Applicants in facts and circumstances of the case would be abuse of process of law and wastage of judicial time.

9. In result, case is made out to exercise inherent powers of this Court to quash FIR and consequential proceeding pending against applicants. Hence, following order:

#### **ORDER**

- (i) Applications are allowed.
- (ii) FIR dated 18.09.2023 in Crime No. 171/2023, registered with Chopda (Rural) Police Station, District Jalgaon for offences punishable under Sections 498-A, 323, 504, 506, 510 read with 34 of Indian Penal Code as well as consequential proceeding in R.C.C. No. 229/2023 pending before Judicial Magistrate First Class, Chopda is hereby quashed and set aside.

**(S. G. CHAPALGAONKAR, J.)**

ssp