



(This order is corrected pursuant to speaking to minutes order dated 25.05.2026)

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

CRIMINAL APPLICATION NO. 4842 OF 2025

1. Sunita Uttam Wadavkar
Age:- 49 Years, Occu:- Household,
2. Uttam Laxman Wadavkar
Age: 55 Years, Occu. Medical Practitioner
3. Siddhant Uttam Wadavkar
Age: 23 Years, Occu: Education,

Applicant no. 1 to 3 are R/o.
Third Floor, Niramay Hospital,
Back side of Court Road,
Near Helipad Ground, Bankar Nagar,
Shrigonda, Tq. Shrigonda, Dist. Ahilyanagar. Applicants

VERSUS

1. The State Of Maharashtra,
through the senior Police Inspector
Shrigonda Police Station, District
Ahilyanagar.
2. Kavita Pruthviraj Devkhile,
age 28 yrs, Occ. Now Known,
Residing at C/o. Balkrushna Gajanan
Dahatonde, Sugar Galli, Shrigonda,
District Ahilyanagar. Respondents.

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Advocate for Applicants : Ms. Manjushri V. Narwade h/f V. P.
Narwade Advocate for Applicants.
APP for Respondent no.1 : Mr. S. D. Ghayal
Advocate for Respondent 2 : Mr. R.R. Deshpande h/f R. R.
Dhongade

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CORAM : S. G. CHAPALGAONKAR, J.
Dated : May 8, 2026

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FINAL ORDER :-

1. The applicants seek quashment of FIR bearing crime no.985 of 2025 dated 11.11.2025 registered with Shrigonda Police Station, District Ahilyanagar for the offences punishable under sections 3(5), 351, 352, 115(2) and 85 of the BNSS, 2023. Investigation was set in motion on the basis of information given by respondent no.2. In short, she alleges that on 14.7.2024 she married with accused Pruthviraj. After marriage, she started residing at Karajgaon alongwith her husband and in-laws. She was treated well for 8 days. Her husband was serving at Thane. He joined his duties. Her in-laws teased her on trifle reasons. Thereafter, she visited Thane. She found a letter in the room of her husband, wherein it was stated that informant was demanding Rs.50 Lakhs from her in-laws. She asked about content of the letter. Her husband abused her and assaulted. Thereafter, since 1.9.2024, she joined services at Pune. Her in-laws visited her place. They demanded Rs.15 Lakh for construction of house. When she appraised about poor condition of her parents, she was abused and beaten.

2. On 23.3.2025, she visited her husband at Thane after leaving her job at Pune. Her husband assaulted her. She was required to take medical treatment. Thereafter, her husband took her for lunch, where applicant and other friends met. They were saying that she shall divorce from her husband. On the basis of aforesaid information, FIR no.985 of 2025 came to be registered for the offences punishable under sections 3(5), 351, 352, 115(2) and 85 of the BNSS, 2023. Investigation progressed.

3. Learned advocate appearing for applicants would submit that the applicants are not family members of informant. They are distant relatives i.e. Maternal Aunt, Uncle and their Son, who are unconcerned with family affairs of respondent no.2 and her husband. Only allegations made in the FIR is that, applicants had been to Karajgaon and insisted her to divorce her husband Pruthviraj and abused her with fist blows. Apparently, no particulars of incident are given except omnibus statement, there is nothing in entire complaint to show the applicants role in commission of offence. Assuming that aforesaid allegation is true and correct, it is not sufficient to make out any of the offences charged in the FIR.

4. At this stage, reference can be given to the judgment 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**, where in paragraph no.17, it is observed 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."

5. Also in the case of **Preeti Gupta and Another Versus State of Jharkhand and Another**, reported in **(2010) 7 SCC 667**, Hon'ble Supreme Court held that-

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. The Hon’ble Supreme Court of India in case of **Geeta Mehrotra and Another Versus State of Uttar Pradesh and Another** reported in (2012) 10 SCC 741 court opined that,

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 emphasise 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.

7. Considering exposition of law in the aforesaid judgments and on consideration of contents of police papers, this Court holds that this is a clear case of over implication. Only on the basis of omnibus allegations that the applicants asked respondent no.2 to divorce her husband, none of the ingredients of offences under section 85 of the Act would attract.

8. In result, case is made out to exercise inherent powers under section 528 of the BNSS. In result, criminal application is allowed in terms of prayer clause “A” and **disposed of**.

(S. G. CHAPALGAONKAR)
Judge

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