



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

953 CRIMINAL APPLICATION NO.249 OF 2026

Kaveri Janardhan Giri (Aunt)
Age:- 38 years, Occ. Household,
R/o : 200 Quarter Room No.8/7,
SRPF Group No.5, Daund , Tq. Daund,
Dist.Pune.

Applicant

VERSUS

1. The State of Maharashtra,
Through the Police Inspector,
Ashti Police Station, Tq. Ashti,
District. Beed.
2. Sau. Trupti Vishal Giri,
Age:- 21 years, Occ. Household,
R/o: Pishore, Tq. Kannad,
Dist. Chh. Sambhajinagar.
At present C/o Subhash Kundlik Giri,
R/o : Kasari, Tq. Ashti,
Dist. Beed.

Respondents.

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Advocate for Applicant : Mr. Hemant U. Dhage
APP for Respondents : Mrs R.R. Tandale
Advocate for Respondent no.2 : Mr. S.B.Choudhari

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 17, 2026

FINAL ORDER :-

1. The applicant seeks quashment of the FIR No.55 of 2025 dated 1.2.2025 registered with police station Ashti, District Beed for the offences punishable under section 85, 115(2), 352, 351(2), 351(3) r/w 3(5) of BNS, 2023 and consequential

proceeding in R.C.C.No.249 of 2025 pending before the JMFC, Ashti, Tq. Ashti, District. Beed.

2. Investigation was set in motion on the basis of information given by respondent no.2. In nutshell, she alleges that on 17.3.2024 she married with Vishal Giri. After marriage she resided at matrimonial home. She was treated well for two months. Later on demand was raised by in-laws to bring Rs.10 Lakhs for purchase of new house. She was beaten and made to starve in pursuance to such demand. When she refused to accede their demand, accused persons again harassed her. So far as applicant before this Court is concerned, she is aunt of the accused no.1. She resides at Daund, District Pune and she never shared accommodation with respondent no.2. Except general and omnibus allegations against in all seven accused persons, including applicant, there is nothing in the FIR to show individual role of applicant in commission of offence that would attract ingredients of the offences alleged.

3. It appears that on conclusion of investigation, charge-sheet is filed. Statement of witnesses are recorded, which are stereotype and there is no allegation so far as the applicant is concerned.

4. In light of aforesaid factual matrix, reference can be given to exposition of law by the Supreme Court in case of **Kahkashan Kausar alias Sonam and Others Versus State of Bihar and Others** reported in (2022) 6 SCC 599 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 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."

5. Supreme Court of India in case of **Preeti Gupta and Another Versus State of Jharkhand and Another** reported in (2010) 7 SCC 667 paragraph no.30, 32 and 34 reads thus:

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. Supreme Court of India in case of **Geeta Mehrotra and Another Versus State of Uttar Pradesh and Another** reported in (2012) 10 SCC 741, in paragraph no.25 observed as under :-

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 emphasize 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. If aforesaid exposition of law applied to factual aspects of present case, this Court has no hesitation to hold that this is a case of over implication and misuse of provisions under section 498-A of the IPC/85 of BNS. In light of the legal and factual backdrop, this court finds that case is made out to exercise inherent powers in favour of applicant under section 528 of the BNSS.

8. In result, the criminal application is allowed in terms of prayer clause “B” to the extent of **present applicant** only and **disposed of**.

(S. G. CHAPALGAONKAR, J.)

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