IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 57 OF 2026

1) Sanjiya Krushnakant Khamkar]
Age- 57yrs, Occ. Service]
R/o. Plot No.37, Krushnakunj]
Bungalow, Pratibha Nagar Kolhapur,]
Tal – Karvir, Dist – Kolhapur.]

2) Snehal Vinayak Haval]
Age – 38yrs, Occ- Service,]
R/o. 21/1854, Jawahar Nagar,]
Near Jotiba Temple, Ichalkaranji,] **… Petitioners**
Tal – Hatkanangale, Dist – Kolhapur.] **(Org Accused)**

Versus

1) State of Maharashtra]
(Through Barshi City police station)]

2) Pradnya Rishikesh Khamkar]
Age :32yrs, Occ- Service,]
R/o: Plot No.37, Krushnakunj Bungalow,]
Sambhaji Co-op Society, Next to Lifestyle]
Apartment, Pratibha Nagar Kolhapur,]
Tal – Karvir, Dist – Kolhapur.]
Currently R/o. Cancer Chowk,]
Behind Post Office, Aagalgaon Road,]
Barshi, Tal. Barshi, Dist. Solapur]

3) Superintendent of Police, Solapur.] **… Respondents.**

…

Adv. Kedar Patil (Through VC) a/w Adv. D. M. Latake, Adv. Nikhil D. Gore, Adv. Surjeet Nair and Adv. Sakshi Kadam, Advocates for Petitioners.
Mr. Anand S. Shalgaonkar, APP for Respondent-State.
Mr. Rushikesh A. Mohite, Advocate for Respondent No. 2.

…

CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 08, 2026

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned Advocates for the respective parties at the admission stage.

2. The Petitioners have invoked Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 ((for short, *"**BNSS**"*), for seeking quashing of the First Information Report bearing C.R. No. 0242 of 2025 registered with Barshi City Police Station, District-Solapur (for short, the **"*FIR*"**), for the offences punishable under Sections 85, 351(2), 351(3) and 352 of the Bhartiya Nyaya Sanhita, 2023 (for short, **"*BNS*"**), as well as the proceedings, i.e., Regular Criminal Case No. 323 of 2025, pending before the learned Judicial Magistrate First Class, Barshi, arising out of the said FIR.

3. Respondent No. 2-Pradnya lodged the report against the Petitioners and her husband, Rushikesh, alleging that they have not accorded due respect and honour to them in the marriage, have subjected her to cruelty on account of quarrels over trivial reasons, have abused her, made snide remarks and have demanded an amount of Rs.10,00,000/- from her parents. Hence, she lodged the report.

4. Based on the FIR, an investigation was conducted, and a charge-sheet was filed against the Petitioners and Accused-Rushikesh. The said charge-sheet was numbered as Regular Criminal Case No. 323 of 2025 and is pending before the learned JMFC, Barshi.

5. The learned Advocate for the Petitioners vehemently contended that there are no specific allegations against the Petitioners to constitute the offence under Section 85 of the BNS. He submitted that the allegations against the Petitioners are vague, omnibus, and general in nature, and that the FIR attributes no specific role to the Petitioners. Respondent No. 2 is serving in Pune. Petitioner No. 1 married in 2014 and resides in Abu Dhabi. However, Respondent No. 2 made false allegations against the Petitioners to implicate them in the offence and to pressurise the accused persons. Therefore, he urged the Court to quash the FIR and the proceedings.

6. On the contrary, the learned APP for Respondent No. 1-State and the learned Advocate for Respondent No. 2 submitted that the allegations made in the FIR constitute an offence under Section 85 of the BNS and therefore urged the Court to dismiss the Petition.

7. Having heard the rival contentions of the parties and having gone through the record, more particularly the FIR and the charge-sheet, *Prima facie,* it appears that the allegations against the Petitioners are vague, omnibus and general in nature. The FIR does not state the Petitioners'

specific role, what they did, or why. Instead, the allegations are general and omnibus.

8. Apart from that, Petitioner No. 2 is the married sister-in-law and is residing at Abu Dhabi. Even if, for the sake of argument, the allegations in the FIR are taken as they are, they would still, *prima facie,* not constitute the ingredients of Section 85 of the BNS and cannot be termed cruelty within the meaning of Section 85 of the BNS.

9. Thus, considering the above facts and the aforesaid discussion and the law laid down by the Hon'ble Supreme Court in the catena of judgments, such as ***(i) Geeta Mehrotra and another versus State of U.P. and another[1], (ii) Kahkashan Kausar alias Sonam and others versus State of Bihar and others,[2] (iii) Dara Lakshmi Narayana & others versus State of Telangana & Another,[3]*** in my view, it would not be appropriate to continue with the proceedings against the Petitioners before the learned Trial Court. Continuing the proceedings against them would amount to an abuse of the process of law and would not serve the ends of justice. Therefore, it would be appropriate to exercise the inherent powers of this Court to quash the FIR and the proceedings pending against the Petitioners.

10. As a result, ***the Petition is allowed in terms of prayer clause (a), which reads thus:***

1 2012 (10) SCC 741
2 (2022) 6 SCC 599
3 2024 SCC OnLine SC 3682

"(a) That, this Hon'ble Court may be kind enough to quash and set aside the FIR dated 02/03/2025 registered with Barshi police station, District Solapur at CR No.242 of 2025 along with Charge sheet in RCC No. 323 of 2025 before Hon'ble JMFC Court, Barshi against the petitioners."

11. The Rule is made absolute in the above terms. No order as to costs.

12. Inform the concerned Court accordingly.

13. The Petition stands disposed of in the above terms.

(ABHAY J. MANTRI, J.)

TALLE SHUBHAM ASHOKRAO

Digitally signed by TALLE SHUBHAM ASHOKRAO
Date: 2026.10.13 18:49:12 +0530