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

CRIMINAL APPLICATION NO.28 OF 2026

1. Rajan Laxman Yawatkar]
Age: 68 yrs, Occ: Retired]

2. Sadhana Rajan Yawatkar]
Age:62 yrs, Occ: Housewife,]

3. Sameer Rajan Yawatkar]
Age: 41 yrs, Occ: Service]
All R/at: Rajmata Sumitraraje]
Housing Soc. Shahunagar,]
Godoli, Satara.] Applicants (Orig. Accused)

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SHAILAJA SHRIKANT HALKUDE
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versus

1. The State of Maharashtra]
At the instance of Vita Police Station,]
Sangli.]

2. Manaji Raghunath Kadam]
Age: 61 yrs, Occ: Doctor]
R/at: Hanmantnagar, Khanapur Road,]
Vita, District – Sangli.] Respondents

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Mr. Meghdeep M. Oak, a/w Mr. Nakul V. Shukla, Advocate for Applicants.

Mr. Anand S. Shalgaonkar, A.P.P., for Respondent No.1 – State.

Dr. Uday Warunjikar, a/w Mr. N.G. Kamble, Advocate for Respondent No.2.

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CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 30, 2026

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith and heard finally with the consent of the learned Advocates for the respective parties.

2. Heard Mr. Oak, learned Advocate for the Applicants, Mr. Shalgaonkar, learned A.P.P., for Respondent No.1 - State and Dr. Warunjikar, learned Advocate for Respondent No. 2.

3. The Applicants invoke the inherent jurisdiction to quash First Information Report bearing Crime No.518 of 2025 (dated 5th November, 2025) registered with Vita Police Station, District Sangli, (for short, ***"FIR"*)** for the offences punishable under Sections 85, 115 (2), 352, 351 (2) r/w section 3 (5) of the Bharatiya Nyaya Sanhita, 2023 (for short, ***"BNS"*)** and the filing of the charge-sheet pursuant to the said FIR, which was numbered as Regular Criminal Case No.25 of 2026 (for short ***"R.C.C No. 25 of 2025"***) and pending before the learned Judicial Magistrate First-Class, Vita (for short ***"learned Magistrate"***).

4. It is pertinent to note that during the course of arguments, the learned Advocate for the Applicants, on instructions, seeks leave to withdraw the Application in so far as Applicant Nos.1 and 2 are concerned. His statement is accepted. In view of the statement of the learned Advocate for the Applicants, ***the Application is dismissed as withdrawn insofar as Applicant***

Nos. 1 and 2 are concerned. However, the Application survives as to Applicant No.3.

SUCCINCTLY, THE FACTS ARE AS UNDER:

5. On 5th November 2025, Respondent No.2, Mr. Manaji Kadam, father of Pallavi, lodged a report against the Applicants and accused Shakun, alleging that they had subjected his daughter Pallavi to cruelty on account of demand for dowry. It was further alleged that the Applicants used to humiliate her by taunting her on trivial grounds. Respondent No.2 also alleged that he had given an amount of Rs.15,00,000/- to Pallavi's in-laws to construct a house. In July 2024, Pallavi's in-laws also visited Portland. They were instigating accused Shakun, and on their instigation, accused Shakun abused and humiliated her, and caused mental harassment to her. He and his mother also beat Pallavi. On the basis of the aforesaid report, the offence was registered vide C.R. No.518 of 2025, as referred to hereinabove.

6. During the pendency of the Application, the investigating officer has filed the charge-sheet in the Trial Court, which has been registered as RCC No.25 of 2026 and is pending before the learned Magistrate. Therefore, the Applicants have amended the Application, placed the charge-sheet on record, and sought relief to quash the charge-sheet/proceedings against the Applicants.

7. The learned Advocate for the Applicants vehemently submits that the allegations levelled against Applicant No.3 are vague, general and omnibus in nature and that no specific role has been attributed to him in the FIR. He submits that the allegations made by Respondent No.2 are reckless and fustian, and that Applicant No.3 has been falsely implicated in the present crime. He further submits that no specific allegations have been levelled against Applicant No.3 and that the allegations, even if taken at their face value, do not, prima facie, constitute an offence punishable under Section 85 of the BNS. To buttress his submissions, the learned Advocate has placed reliance upon the judgment of this Court in ***Criminal Application No.1085 of 2021 (Amol Arun Pachpute and others Versus The State of Maharashtra and another)***. He, therefore, prays for allowing the Application.

8. On the other hand, the learned A.P.P. appearing for Respondent No.1 – State and the learned Advocate Mr. Warungikar appearing for Respondent No.2 vehemently opposed the Application on the ground that the allegations made in the F.I.R. prima facie constitute an offence punishable under Section 85 of the BNS. During the course of arguments, they invited my attention to the contents of the F.I.R., the statement of Dr. Sneha Kadam, and the various correspondence by Pallavi with the NRI Cell, National Commission for Women. They submitted that, upon a careful perusal of the entire record, the essential ingredients of the offence punishable under

Section 85 of the BNS are prima facie made out against the Applicants. Dr. Warunjikar further submitted that there is a specific allegation against Applicant No.3 that he abused Pallavi over the telephone. On these grounds, they sought dismissal of the Application.

9. Upon careful perusal of the F.I.R. and the charge-sheet as pointed out by the learned Advocates appearing for the respective parties, it appears that the allegations levelled against Applicant No.3 are general and omnibus in nature. No specific role has been attributed to Applicant No.3, nor have the informant or the witnesses stated how Applicant No.3 was involved in the alleged acts of harassment. Neither the F.I.R. nor the witnesses' statements disclose any specific particulars of the acts allegedly committed by Applicant No.3. Further, the informant and the witnesses have not narrated any specific incident of harassment at the hands of Applicant No.3. The allegations contained in the F.I.R. and the statements of the witnesses, insofar as Applicant No.3 is concerned, are vague and omnibus in nature. The submission advanced by the learned Advocate for Respondent No.2 that Applicant No.3 abused Pallavi over the telephone is also not substantiated by any other material on record. Even Pallavi's statement does not disclose any specific particulars of the alleged telephone conversation or the abusive words allegedly used by Applicant No.3; therefore, a discrepancy appears in the said averment in the F.I.R., creating doubt about the same.

10. The Hon'ble Supreme Court, in a catena of judgments, including;

(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] and

iii) Dara Lakshmi Narayana & others versus State of Telangana & Another,[3]

(iv) Criminal Application No.1085 of 2021 (Amol Arun Pachpute and others Versus The State of Maharashtra and another).

After considering various aspects of matrimonial disputes, it has held that "*allegations of harassment against the close relatives of the husband, particularly those residing in different cities and who had never visited, or had rarely visited, the place where the victim resided, require entirely different consideration. In such circumstances, the allegations made by the complainant and victim must be scrutinised with greater care and circumspection to ascertain whether they disclose the commission of any offence*".

11. It is pertinent to note that, since the year 2018, Pallavi and her husband, Shakun, have been residing separately in the United States of America, whereas the Applicants are residing at Satara. There are no specific allegations against Applicant No.3 either in the F.I.R., the statements of the

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

witnesses or the charge-sheet that he has subjected the victim to cruelty. In such circumstances, the mere vague and omnibus allegation in the complaint that once Applicant No.3 abused Pallavi over the telephone and subjected her to cruelty, in the absence of corroboration by the victim to the said allegation in the complaint, and without specifying his individual role or disclosing any particular instance of harassment, cannot be sufficient to attract the provisions of Section 85 of the BNS. Further, there is no specific allegation that Applicant No.3 subjected Pallavi to harassment with a view to coercing her or any person related to her to meet any unlawful demand, or on account of her failure to meet such demand.

12. In the light of the aforesaid discussion and the law laid down by the Hon'ble Supreme Court and considered by this Court in ***Amol Arun (supra),*** in my view, it would not be appropriate to continue the proceedings before the learned Trial Court against Applicant No.3. The continuation of the proceedings against him would result in abuse of the process and law and would not serve the ends of justice. Therefore, it is necessary to exercise inherent powers of this Court to quash and set aside the F.I.R. and proceedings against him.

13. As a result, *the* ***Application is partly allowed qua Applicant No.3 in terms of prayer clauses (i) and (ia)*** which read thus;

"i) That this Hon'ble Court may be pleased to quash and set aside the C.R. No.518 of 2025 registered with the Vita Police Station, Sangli.

ia) That this Hon'ble Court be pleased to quash the chargesheet and proceedings arising out of C.R. no. 518 of 2025 registered with Vita Police Station, bearing R.C.C no.25/2026 pending before the Court of Ld. Judicial Magistrate First Class, Vita".

14. It is made clear that the Application *qua* ***Applicant Nos.1 and 2 is dismissed.***

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

16. Inform the concerned Court accordingly.

17. The Application is disposed of.

(ABHAY J. MANTRI, J.)