



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 616 OF 2025

APPLICANTS : 1. Babarao s/o Shyamrao Arekar,
Aged about : 69 years,
Occupation – Nil,

2. Sau. Lalita w/o Babarao Arekar,
Aged about 61 years,
Occupation – Nil,

Applicant No.1 & 2 are residing at – At Post
Aasegaon Devi, Taluka – Babhulgaon,
Dist. Yavatmal.

3. Narendra s/o Babarao Arekar,
Aged about 40 years,
Occupation – Service,

4. Sau. Puja w/o Narendra Arekar,
Aged about 31 years,
Occupation – Nil,

Applicant No.3 & 4 are presently residing
at – Rithe Colony, Sant Dhyaneshwar Ward,
Hinganghat, Dist. Wardha.

5. Sukhdev s/o Shyamrao Arekar,
Aged about 62 years,
Occupation – Nil,

6. Sau. Vimal Sukhdev Arekar,
Aged about 52 years,
Occupation – Nil,
Applicant No.6 and 7 are residing at –
At Post Aasegaon Devi,
Taluka – Babhulgaon,
Dist. Yavatmal.

7. Gaurav s/o Sukhdev Arekar,
Aged about 25 years,
Occupation – Service,
R/o At post Borgaon Meghe,
Shree Ram Town, Dist. Wardha.

VERSUS**Non-applicants :**

1. The State of Maharashtra
Through Police Station Officer,
Police Station Sarmaspura,
Amravati Gramin, Dist. Amravati.
2. Rajshree w/o Nitesh Aarekar,
Aged – 27 years, Occ. : Nil,
R/o – At Post Aasegaon Devi,
Taluka – Babhulgaon,
Dist. Amravati.

Shri D. R. Galande, Advocate for applicants.

Shri N. B. Jawade, Additional Public Prosecutor for Non-applicant No.1.

Shri S. K. Phaltankar, Advocate for Non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.
DATED : 20/02/2026.

ORAL JUDGMENT :

1. Heard. **Admit.** Heard finally with the consent of learned counsel appearing for the parties.

2. The present application is filed by the in-laws of the non-applicant No.2 for quashing of the FIR in connection with Crime No.58/2025 registered under Sections 115(2), 3(5), 351(2), 352 and 85 of the BNSS, 2023.

3. The applicant Nos.1 and 2 are the in-laws, applicant No.3 is the brother-in-law, applicant No.4 is the wife. A crime is registered on the basis of report lodged by the non-applicant No.2

on an allegation that her marriage was performed with Nitesh Babarao Aarekar, son of applicant Nos.1 and 2. The entire expenses are incurred by her parents. She is having one daughter and one son from the said wedlock but after marriage, she was subjected for the ill-treatment by the present applicants. On 14/09/2022 when she resumed cohabitation along with her cousin, at that time, she as well as her cousin was abused by her husband and in-laws. She further alleged that on 06/02/2023, she lodged a report against them. Subsequently, it was settled before the Court and therefore, she withdrawn the complaint and again resumed the Court, but there was no change in the behaviour of her husband as well as in-laws and they were assaulting her physically as well as abusing her and raising suspicion on her character. She further contended that her in-laws were raising quarrels on various grounds and her brother-in-law was also abusing her on various grounds. On the basis of said report, police have registered crime against the present applicants.

4. Heard learned counsel for the applicants who submitted that on the basis of general, omnibus and vague allegations which are implicated in the alleged offence, no specific instances are narrated as far as present applicants are concerned.

He further submitted that the applicant Nos.3 and 4 are residing separately at a different place i.e. at Hinganghat and there is no occasion for him to visit the house of the complainant and her husband and ill-treated him. Thus, he submitted that considering the nature of the allegations levelled against the present applicants, application deserves to be allowed.

5. Per contra, learned APP strongly opposed the said contention and invited my attention towards the recitals of the FIR and submitted that there are specific allegations levelled against the present applicants regarding abuses and assault. He submitted that not only non-applicant No.2 is abused, but her relatives were abused when they had been to the house of the maternal house of the non-applicant No.2 to drop her. Thus, he submitted that initial complaint was withdrawn as there was settlement between the parties but there was no change in the behaviour of the present applicants and therefore, application deserves to be rejected.

6. Learned counsel for the complainant also endorsed the said contention.

7. After hearing both the sides and on perusal of the investigation papers as far as applicant Nos.1 to 3 are concerned, admittedly, there is specific allegation against them narrating the

specific instances that in what manner, she was subjected for ill-treatment. Earlier complaint was also filed and the judgment passed by the Judicial Magistrate, First Class shows that in view of the settlement, the non-applicant No.2 has withdrawn the allegations and stated that out of misunderstanding, she has filed the complaint. However, subsequent to the withdrawal of the said complaint, again the similar treatment was given to her. The allegation of the complainant is by narrating the dates and acts of the applicant Nos.1 to 3 as far as the ill-treatment is concerned. As far as applicant No.4 is concerned, admittedly only allegation against her is that she was instigating applicant No.3 and on her instigation, applicant No.3 was abusing the non-applicant No.2.

8. It is time and again held by the Hon'ble Apex Court that the Court should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations, unless specific instances of their involvement in the crime are made out.

9. Coming to the facts of the present case and upon perusal of the contents of the FIR in the entire charge sheet, admittedly the allegations levelled against the present applicant

Nos.1 to 3 are concerned which are specific by narrating the specific instances only against applicant No.4 that there are general allegations that she was instigating applicant No.3.

10. Considering the scope and ambit of the Court powers under Section 482 of the Code of Criminal Procedure / 528 of the BNSS are the inherent powers to real and substantial justice and to prevent the abuse of process of Court, it is also time and again held by the Hon'ble Apex Court that the inherent powers under Section 482 of the Code of Criminal Procedure, though wide powers have to be exercised carefully, sparingly and with great caution only when such exercise is justified by the test specifically dealt out in the provision itself.

11. In the light of the above well settled provisions and principles laid down, if the facts of the present case are taken into consideration, there is a prima facie case against the applicant Nos.1 to 3. Therefore, application deserves to be allowed partly. Accordingly, I proceed to pass following order :-

ORDER

- i] The application is partly allowed.

ii] The FIR in connection with Crime No.58/2025 registered under Sections 115(2), 3(5), 351(2), 352 and 85 of the BNSS, 2023 and the consequent proceeding arising out of the same bearing RCC No.410/2025 is quashed and set aside to the extent of the Applicant Nos.4 to 7.

iii] The prayer of applicant Nos.1 to 3 for quashing of FIR is hereby rejected.

12. The application is disposed of.

13. The fees of the appointed counsel be quantified as per rules.

[JUDGE]