

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

CRIMINAL APPLICATION NO. 1085 OF 2021

1. Amol Arun Pachpute (**Husband of Complainant**)
Age : 32 Years, Occu : Engineer,
R/o. Kashti, Tal. Shrigonda,
Dist. Ahmednagar.
At Post R/o. Laxmi Green County,
Uttamnagar, Pune.
2. Arun Kashinath Pachpute, (**Father-in-Law**)
Age : 57 Years, Occu : Agriculturist,
R/o. Kashti, Tal. Shrigonda,
Dist. Ahmednagar.
3. Damayanti Arun Pachpute, (**Mother-in-Law**)
Age : 50 Years, Occu : Household,
Ro. Kashti, Tal. Shrigonda,
Dist. Ahmednagar.
4. Rahul Arun Pachpute, (**Brother-in-Law**)
Age : 34 Years, Occu : Diary Business,
R/o. Kashti, Tal. Shrigonda,
Dist. Ahmednagar.
5. Madhuri Arun Pachpute, (**wife of Brother-in-Law**)
Age : 29 Years, Occu : Household,
R/o. Kashti, Tal. Shrigonda,
Dist. Ahmednagar.
6. Shrikant Arun Pacnpute, (**Brother-in-Law**)
Age : 29 Years, Occu : Diary Business,
R/o. Kashti, Tal. Shrigonda, Dist. Ahmednagar.
At Post R/o. Dam View Residency,
Kondhawada-Dhawade, Pune, Dist. Pune.
7. Akanksha Shrikant Pachpute (**wife of Brother-in-Law**)
Age : 21 Years, Occu : Household
R/o. Kashti, Tal. Shrigonda,

Dist. Ahmednagar.
At Post R/o. Dam View Residency,
Kondhawada-Dhawade Pune,
Dist. Pune.

...APPLICANTS

VERSUS

1. The State of Maharashtra
Through the Police Station In-charge,
Police Station, Virag, Tal. Barshi,
Dist. Solapur.
2. Devai Amol Pachpute,
Age : 28 Years, Occu : Household,
R/o. Kalambwadi (Pa), Ta. Barshi,
Dist. Solapur

...RESPONDENTS

Mr. Maghdeep Oak, Advocate for the Applicants.
Ms. Priyanka S. Rane, APP for Respondent – State.
Mr. Abhijit D. Kulkarni (Through V.C.) a/w Mr. Abhay A. Jadhavar,
Advocate for Respondent No.2.

CORAM : ABHAY J. MANTRI, J.
DATE : AUGUST 28, 2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith and heard finally with the consent of learned counsel for the parties at the admission stage.
2. The Applicants invoke the inherent jurisdiction of this Court to quash the First Information Report bearing Crime No. 519 of 2021, registered on 15th October 2021 with the Vairag Police Station, Tal. Barshi, Dist. Solapur, (for short “**FIR**”) for the offences punishable under Sections 323, 498-A, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (for short, “**IPC**”) and the filing of the charge-sheet pursuant to the said

FIR, which was numbered as Regular Criminal Case No. 317 of 2022 (for short, “***R.C.C. No. 317 of 2022***”), have preferred this Application.

3. It is pertinent to note that during the course of the arguments, learned counsel for the Applicants, on instructions, seeks leave to withdraw the Application insofar as Applicant No.1 is concerned, who is the husband of Respondent No.2. His statement is accepted.

4. In view of the statement made by the learned counsel for the Applicants, ***the Application is dismissed as withdrawn insofar as Applicant No. 1 is concerned.*** However, the Application survives insofar as Applicant Nos. 2 to 7 are concerned.

SUCCINCTLY, THE FACTS ARE AS UNDER:

5. The marriage of Applicant No. 1 and Respondent No. 2 was solemnised on 17th June 2017 at Madha, Dist. Solapur. (However, in the Marriage Registration Certificate and Marriage Card, the date of Marriage is mentioned as **18th June 2017**) Thereafter, she lived with the Applicants till August 2021, as alleged in the complaint, and, as per the contention of the Applicant No. 1, Respondent No. 2 left his company in April 2020. Applicant No. 2 is the Father-in-Law, Applicant No. 3 is the Mother-in-Law, Applicant No. 4 is the Brother-in-Law, Applicant No. 5 is the wife of the Brother-in-Law, Applicant No. 6 is the Brother-in-Law, Applicant No. 7 is the wife of the Brother-in-Law, and Applicant No.1 is the husband.

6. On 15th October 2021, Respondent No. 2 lodged the report against the Applicants, alleging that after the marriage, the Applicants subjected her to cruelty on account of the demand of dowry from her and her parents to start the Dairy business for her brother-in-law, Shrikant, at Pune. The Applicants were making taunting remarks to her about her father's financial status and also treated her in a humiliating manner. They kept her hungry every now and then, picked a quarrel over it, and also recorded videos of her. They were harassing her. Her husband took her to the psychiatrists at the counselling centre without any reason and thereby caused cruelty to her. On 24th September 2021, they came to her maternal home, abused and beat her and also demanded dowry of ₹10,00,000/- to purchase a flat in Pune. Based on the FIR, offences were registered vide Crime No. 519 of 2021 with the Vairag Police Station, Tal. Barshi, Dist. Solapur. Feeling aggrieved by the registration of the said FIR, they have invoked this Court's inherent jurisdiction.

7. During the pendency of the Application, the Investigating Officer has filed the charge-sheet in the Trial Court, which has been registered as R.C.C. No.317 of 2022. Therefore, the Applicants have amended the Application and placed the charge-sheet on record and also sought relief to quash the said charge-sheet.

8. The learned counsel for the Applicants vehemently contended that the allegations levelled against the Applicants are vague and general in nature and that no specific role of Applicant Nos. 2 to 7 is attributed in the FIR. The allegations made by Respondent No. 2 are reckless and fustian. However, they have been falsely implicated in the present crime. No incriminating material was found against them in the charge-sheet to rope them into the present crime. The allegations levelled in the FIR are concocted, false, and frivolous, made with a view to falsely implicating them in the present crime. Lastly, he argued that even if the allegations levelled in the FIR are taken as they are, they do not constitute an offence under Section 498-A of the IPC against Applicant Nos. 2 to 7. Therefore, he urges quashing of the said FIR as well as charge-sheet against Applicant Nos. 2 to 7.

9. On the other hand, Ms. Rane, learned APP for the Respondent – State, as well as Mr. Kulkarni, learned counsel appearing for Respondent No. 2, strenuously opposed the Application on the ground that the allegations made in the FIR constitute an offence under Section 498-A of the IPC. There are specific allegations against the Applicants that they have demanded dowry from the informant and her parents to purchase the flat. Similarly, the in-laws were taunting her on account of her parents' financial condition and also abused and beat her. Therefore, the ingredients of Section 498-A of the IPC are attracted against the Applicants. As such, they have argued that the

FIR *prima facie* discloses the commission of the offences under Sections 498-A, 323, 504 and 506 of the IPC. Hence, they have urged for dismissal of the Application.

10. Having heard the rival contentions of the parties and having gone through the record, *prima facie*, it appears that the allegations against Applicant Nos. 2 to 7 are vague, omnibus and general in nature. No specific role of the Applicants has stated in the FIR as to what they have done; rather, the allegations are general and omnibus in nature, like instances “सासरकडील लोकांनी मला आमचे गावाकडील गरीबीच्या परिस्थिती वरून अपमानास्पद वागणुक देवु लागले व सतत टोमणे मारु लागले व लॉकडाऊनचे कारण करून मला एकटीला सतत अधुनमधून उपाशी ठेवु लागले व त्या कारणावरून भांडण काढुन माझी व्हीडीओ शुटींग करु लागले.” Similarly, in every sentence, it is stated that the people from the in-laws used to subject her to cruelty on account of the demand of dowry.

11. It is also alleged that Applicant Nos. 2 to 7 had instigated Applicant No. 1 to take her to the psychiatrists at the counselling centre. However, no specific allegations appear against them regarding the role they played or how they instigated Applicant No.1, or who instigated Applicant No.1. Moreover, the complaint did not provide any specific details or describe any particular incident of harassment by Applicant Nos. 2 to 7. Besides, *prima facie*, no allegations appear against Applicant Nos. 4, 5 and 7.

12. *Furthermore*, the Investigating Officer has not recorded the statement of any independent witness to demonstrate that Respondent No.2 was subjected to cruelty at the hands of Applicant Nos.2 to 7. The witnesses whose statements were recorded have not provided any details or described any particular instances of harassment by Applicant Nos. 2 to 7, but their statements appear vague, omnibus, and *stereotypical*; therefore, they do not *prima facie* inspire confidence to demonstrate that Applicant Nos. 2 to 7 were involved in the present crime. Therefore, they have not alleged any specific act done by Applicant Nos. 2 to 7, which constitutes the offence under Section 498-A of the IPC. Apart from that, they have not mentioned the time, date, place or manner in which the alleged harassment occurred. Thus, the FIR and the entire charge-sheet lack concrete and precise allegations.

13. It is pertinent to note that initially Applicant No.1 and Respondent No.2 were residing separately at Pune, as Applicant No. 1 was working in 'Synerzip Softtech India Pvt. Ltd. At that time, Respondent No. 2 was also working. However, during the COVID-19 pandemic, she came to the matrimonial house in Kosti, Tq. Shrigonda. After the lockdown, they came to Pune again. In such an eventuality, a mere vague and omnibus allegation that they instigated Applicant No.1, without disclosing any specific role played by them, cannot be said to establish that they subjected Respondent No. 2 to cruelty on account of a demand of dowry or that they

caused harassment to her with a view to forcing her to meet any unlawful demand for any property or valuable security, particularly when in the FIR she herself stated that her parents' financial condition was poor and, therefore, it creates a doubt about the demand of dowry of ₹ 10,00,000/- to them.

14. The Hon'ble Supreme Court in the case of ***Dara Lakshmi Narayana & others V/s State of Telangana & Another***¹, after considering the parameters laid down in the decision in "***Bhajanlal's Case***" and other various decisions of the Hon'ble Supreme Court, has observed that :-

"A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement, should be nipped in the bud. It is a well-recognized fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of matrimonial discord. Such generalized and sweeping accusations unsupported by concrete evidence or particularized allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessarily harassing innocent family members."

(Emphasis Supplied)

15. The facts in the case at hand are identical with the facts reproduced in ***Dara Lakshmi's*** (supra) case, and therefore, the mandate laid down in the said judgment squarely applies to the case at hand. In such circumstances, they cannot be dragged into criminal prosecution, and it

¹ 2024 SCC OnLine SC 3682
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would be an abuse of the process of law in the absence of specific allegations made against each of them.

16. Apart from the above, in *Geeta Mehrotra and Another V. State of U.P. and Another*², the Hon'ble Supreme Court has categorically observed that:

“if the contents of the first information report did not disclose specific allegations against the brother and sister of the complainant’s husband to make them liable, for bickering between non- applicant No. 2 and her husband, except the casual reference of their names, it would not be just to direct them to go through the protracting procedure, so also by merely making the general allegation that they were involved for physical and mental torture of the complainant without any allegation of their active involvement or mentioning the single incident against them as also the fact as to how they could be motivated the demand of dowry when they are only related to husband as brother or sister, and therefore, quashed the proceedings against them.”

(Emphasis supplied)

17. In the case discussed above, there are no specific allegations against Applicant Nos. 2 to 7, nor are there specific allegations against them that they demanded the dowry at any time from the deceased or her parents or that they were actively involved. On the contrary, the accusations against them are vague and general in nature, namely, that Applicant Nos. 2 to 7 were instigating Applicant No.1 to take her to the counselling centre or that they have demanded the dowry. Therefore, the observations made in the above-cited judgment are squarely applicable to the case at hand.

² 2012(10) SCC 741

18. In addition, in *Kahkashan Kausar @ Sonam and Others V. The State of Bihar and Others*³, reported in (2022) 6 SCC 599, the Hon'ble Apex Court has held that:-

“The Courts should be careful in the proceedings against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths and must keep in mind that 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.”

It is further observed that “the ultimate object of justice is to find out the truth, punish the guilty, and protect the innocent. To find out the truth is a herculean task in the majority of these complaints. The tendency to implicate the husband and all his inmate's/ immediate relations is also not uncommon. At times, even in the conclusions of a criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must consider pragmatic realities while dealing with matrimonial cases. The allegations of the harassment of the husband's close relations, who had been living in different cities and never visited or rarely the place where the complainant resided, would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection.”

19. Thus, I find that the case at hand is squarely covered by the decisions of the Hon'ble Supreme Court as referred to above.

20. In the light of the aforesaid discussion and the law laid down by the Hon'ble Supreme Court, in my view, it would not be appropriate to continue the proceedings before the learned Trial Court against Applicant Nos. 2 to 7. The continuation of the proceedings against them would result in an abuse of the process of the Law and would not serve the ends of justice. Therefore, in the exercise of powers under Section 482 of the Cr.P.C./ Section

³ (2022) 6 SCC 599
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528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, it would be appropriate to quash and set aside the First Information Report registered with the Vairag Police Station, Tal. Barshi, Dist. Solapur, and the filing of the charge-sheet pursuant to the FIR and numbered as R.C.C. No.317 of 2022, against Applicant Nos. 2 to 7.

21. As a result, *the Application is partly allowed in terms of Prayer Clause (A) and [B-1] so far as Applicant Nos. 2 to 7. However, the Application against Applicant No. 1 has already been dismissed as withdrawn.*

22. For clarification, prayer clauses (A) and [B-1] are as under :-

(A) Be pleased to quash and set aside First Information Report bearing No. 0519 of 2021 registered on 15/10/2021 with the Police Station, Virag, Tal: Barshi Dist: Solapur under section 323, 34, 498-A, 504, 506 of Indian Penal Code. (Exhibit “A”, page).

[B-1] Be pleased to quash and set aside Charge sheet No.46 of 2022 and further proceeding in respect of RCC 317/2022 arising out of the FIR-Crime No. 519 of 2021 registered on 15/10/2021 with the Police Station, Vairag, Tq:Barshi, Dist: Solapur under section 498-A, 323, 504, 506, r/w 34 of Indian Penal Code (Exhibit “D” page no. 42).”

23. The Rule is made partly absolute in the above terms. No order as to cost.
24. Inform the concerned Court accordingly.
25. The Application is disposed of.

(ABHAY J. MANTRI, J.)

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