



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

CRIMINAL APPLICATION (APL) NO. 1173/2022

1. Smt. Krishna Lodh,
Aged about 61 yrs., Occ. Household,
R/o. 303, Santosh Ashirwad Apartment,
Lashkaribagh, Nagpur,
Tah. & Dist. Nagpur.
2. Ankita Ashok Lodh,
Aged about 28 yrs., Occ. Service,
R/o. Hinjewadi, Pune,
Tah. & Dist. Pune.
3. Aman Narendra Saxena,
Aged about 29 yrs.,
R/o. Hinjewadi, Pune,
Tah. & Dist. Pune.
4. Neeta Narendra Saxena,
Aged about 60 yrs.,
R/o. Rampur, (U.P.),
State Uttar Pradesh

..... **APPLICANTS**

VERSUS

1. The State of Maharashtra,
through Police Station Officer,
Jaripatka Police Station,
Dist. Nagpur.
2. Nisha Abhik Lodh,
Aged about 33 yrs., Occ. Household,
R/o. 202, Vishal Tower,
Behind Nagsen School,
10 No. Puliya, Police Station Jaripatka,
Dist. Nagpur.

.....**NON-APPLICANTS**

Mr. N.A. & Mrs. P.N. Sharma, Advocate for applicants.
Mr. S.S. Doifode, APP for non-applicant No.1/State.
Mr. C.F. Bhagwani, Advocate for non-applicant No.2.

CORAM : **VINAY JOSHI AND**
VALMIKI SA MENEZES JJ.
DATE OF JUDGMENT : **04.10.2023**

JUDGMENT : (PER VINAY JOSHI, J.)

Heard.

2. This is an application seeking to quash First Information Report along with charge-sheet arising out of Crime No.734/2021 registered with Police Station Jaripatka, Nagpur City, Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.

3. Applicant No.1 Smt. Krishna Lodh is mother-in-law, applicant No.2 Ankita Lodh is sister-in-law, applicant No. 3 Aman Saxena is husband of sister-in-law whilst applicant No.4 Neeta Saxena is mother-in-law of sister-in-law of the informant. Husband and father-in-law of informant are not made accused.

4. Informant lady got married with one Abhik Lodh on 20.04.2018. After marriage, informant barely stayed for three days at her matrimonial house at Nagpur. Thereafter, the couple shifted to Pune as they were serving in I.T. Company. It is applicants case that since the

date of marriage, she was harassed by mother-in-law and sister-in-law. Time and again, her mother-in-law raised monetary demand and on that count, used to humiliate and harass her. Informant stated that her sister-in-law used to instigate her mother-in-law in harassing her.

5. It is informant's case that after marriage of her sister-in-law, informant once went to the matrimonial house of her sister-in-law at Rampur (U.P.). At that time, mother-in-law of her sister-in-law taunted her to break the marriage. She has stated that on 14.11.2020 and thereafter also whenever she went to her husband's house, her mother-in-law used to humiliate and curse her. Mother-in-law used to mentally harassed her. She stated that husband of sister-in-law Aman also gave threats to her husband. She would state that her sister-in-law along with her husband has filed false criminal case on 16.09.2021 at Pune and thus, there being matrimonial harassment, the offence is registered.

6. After reading the entire Police report, it reveals that besides mother-in-law, the allegations are general and vague. The couple was separated from the family within three days from marriage. The report has been lodged on 08.10.2021 i.e. after three years. Pertinent to note that the informant's sister-in-law has lodged report at Pune on 16.09.2021 which was followed by filing of the present report. The applicants have produced a copy of complaint dated 11.09.2021 filed by the informant's mother-in-law and father-in-law alleging misdeeds of

informant and her husband which goes against her.

7. Though there are allegations against the mother-in-law about mental and physical harassment, however there is no material against rest of the applicants. The allegations against sister-in-law are quite vague. Admittedly, from marriage, sister-in-law along with her husband were staying separately at Pune. Absolutely, there is no material against husband of sister-in-law except an isolate instance of giving threats to the husband of the informant which does not fall within the meaning of Section 498-A of the Indian Penal Code. Moreover, allegations against mother-in-law of sister-in-law are far fetched. Even if the allegations against her regarding her saying at Rampur is accepted, at its face value, it does not make out a prima-facie case.

8. Learned counsel appearing for the applicants relying on the decision of the Supreme Court in case of **Kahkashan Kausar alias Sonam and Ors. Vs. State of Bihar and Ors., AIR 2022 SC 820** and **Preeti Gupta and Anr. Vs. State of Jharkhand and Anr., AIR 2010 SC 3363** has submitted that the tendency of involving maximum family members in matrimonial dispute is at rise. The Supreme Court in above referred cases has observed that most of such complaints are filed in the hit of moment over trivial issue. It is expressed that the relatives of husband should not be roped on the basis of omnibus allegation unless specific

instances are quoted. The Supreme Court in reported case of **State of Harayana and others Vs. Bhajan Lal and others [1992 Supp (1) SCC 335]** has expressed that if the allegations made in the FIR, even if they are taken at their face value and accepted in their entirety do not prima-facie constitute the offence, then the proceeding is liable to be quashed.

9. It is strange to note that informant and her husband are living happily at Pune, but they have lodged report against relatives of husband. It reveals from the Police report that the husband is not in cordial terms with his own family. Reading of the entire report discloses that besides mother-in-law, the allegations are vague. Continuation of prosecution against rest, amounts to abuse of the process of Court.

10. In view of above, by partly allowing the application we hereby quash and set aside the charge-sheet arising out of Crime No.734/2021 registered with Police Station Jaripatka, Nagpur City, Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code against applicant No.2 Ankita Lodh, applicant No.3 Aman Saxena and applicant No.4 Neeta Saxena only.

11. Application stands disposed of in above terms.

(VALMIKI SA MENEZES, J.)

(VINAY JOSHI, J.)