



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 163 OF 2025

1. Babasaheb S/o Rajaram Chavan, (Husband)
Age: 33 years, Occu. Private Service,
R/o. Flat No.204, Shardha Suman,
CHS Sector-20D, Airoli, Navi Mumbai.
2. Archana W/o Dinkar Chavan, (Sister-in-law)
Age: 40 years, Occu. Household,
R/o. Loni, Tal. Rahata, Dist. Ahmednagar.
3. Dinkar S/o Rajaram Chavan, (Brother-in-law)
Age: 43 years, Occu. Service as Police Constable,
R/o. Loni, Tal. Rahata, Dist. Ahmednagar.
4. Bhimabai S/o Rajaram Chavan, (Mother-in-law)
Age: 66 years, Occu. Nil,
R/o. Loni, Tal. Rahata, Dist. Ahmednagar.

Versus

1. The State of Maharashtra,
Through the Police Inspector,
Pathardi Police Station, Pathardi,
Tal. Pathardi, & Dist. Ahilyanagar.
2. Sarita W/o Babasaheb Chavan,
Age: 30 years, Occu- Household,
R/o. C/o. Baban S/o Bhausing Pawar,
Vijayanagar, Pathardi,
Tal. Pathardi, Dist. Ahilyanagar.

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Mr. K. N. Shermale, Advocate for the Petitioners
Mr. A. S. Shinde, APP for Respondent No.1/State
Ms. Falguni Kulkarni, Advocate for Respondent No.2 (Appointed)

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**CORAM : NITIN B. SURYAWANSHI &
SANDIPKUMAR C. MORE, J.J.**

DATE : 10th JULY, 2025

ORAL JUDGMENT : [PER NITIN B. SURYAWANSHI, J.]

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.

2. By this petition filed under Article 226 and 227 of the Constitution of India read with Section 528 of Bhartiya Nagarik Suraksha Sanhita, petitioners seek quashing of FIR at Crime No.27/2025, registered at the instance of second respondent, on 06/01/2025, with Pathardi Police Station, Ahmednagar, for offences punishable under Sections 115(2), 351(2), 352 and 85 of the Bhartiya Nyaya Sanhita, 2023.

3. In short, it is alleged in the FIR that marriage of second respondent was performed with petitioner No.1 on 22/11/2020. After marriage she went to reside along with petitioner No.1 at Pune. They both were doing private job. Initially for a period of five to six months petitioner No.1 resided properly, thereafter he started doubting her character. He used to beat her. She became pregnant and in seventh month of pregnancy she went to her maternal home for delivery. She gave birth to a male child. During this period petitioner No.1 neither visited her maternal home nor took care of her. Thereafter father of respondent No.2 took her to her matrimonial house at Ghumatwadi. From there after 15 days she went to Pune with petitioner No.1. At Pune petitioner No.1 husband again started ill-treating her. He was insisting that she should bring Rs.4 lakhs from her maternal home for construction of house. He

was physically assaulting her. She, therefore, came to Ghumatwadi at her in-laws' place and disclosed the ill-treatment suffered by her at the instance of petitioner No.1 husband, however, the in-laws took her husband's side. Her sister-in-law and brother-in-law assaulted her with fist blows, abused her and took away her gold ornaments. On the next day, mother-in-law and husband abused her and told her not to stay there unless she brings money from her parents. She, therefore, left the matrimonial house on 11/11/2024 and came to her maternal home. She lodged complaint with Bharosa Cell, District Ahmednagar.

4. Heard learned advocate for petitioners, learned APP for respondent No.1/State and learned advocate appointed for respondent No.2.

5. After arguing on merits at length, when this Court was not inclined to grant relief to petitioner No.1 husband, learned advocate for petitioners, on instructions, seeks permission to withdraw the writ petition to the extent of petitioner No.1. Permission granted. Writ petition to the extent of petitioner No.1 Babasaheb Rajaram Chavan is dismissed as withdrawn.

6. Admittedly, second respondent was staying with her husband since beginning. Allegations levelled against petitioners No.2 to 4 are vague, general and sweeping, without specifying any

instance of criminal conduct. It is required to be noted here that, in the FIR, no specific date or time of alleged offence committed by them is disclosed. It appears that they are implicated in the present crime out of personal grudge and only with a view to pressurize husband and with ulterior motive of wrecking vengeance.

7. Law, on the point of quashing of complaint under section 498-A of the Indian Penal Code, against family members / relatives of husband is well settled. While laying down this law, the Apex Court has made certain pertinent observations in **Preeti Gupta V/s State of Jharkhand**¹. The Apex Court has observed as follows :

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this Court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

31. The courts are receiving a large number of cases emanating from Section 498-A of the Penal Code, 1860 which reads as under:

“498-A. Husband or relative of husband of a woman subjecting her to cruelty - Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.”

Explanation.- For the purposes of this section, 'cruelty' means:

(a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause

1 (2010) 7 SCC 667

grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

32. It is a matter of common experience that most of these complaints Under Section 498-A of Indian Penal Code are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint Under Section 498-A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, Accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent To find

out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of 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 take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited 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.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful”.

8. In view of aforesaid ratio and taking into consideration the vague and general allegations levelled against petitioners No.2 to 4, we are of the view that continuation of proceedings against them will be an abuse of process of law.

9. In the result, Crime No.27/2025, registered with Pathardi Police Station, Ahmednagar, on 06/01/2025, is quashed and set aside to the extent of petitioner No.2 Archana W/o Dinkar Chavan, petitioner No.3 Dinkar S/o Rajaram Chavan and petitioner No.4 Bhimabai S/o Rajaram Chavan. Rule is made absolute. Criminal writ petition accordingly stands disposed of.

10. Learned advocate appointed to represent second respondent be paid fees as per schedule by the High Court Legal Services, Sub-Committee, Aurangabad, within a period of four weeks from today.

(SANDIPKUMAR C. MORE, J.)

(NITIN B. SURYAWANSHI, J.)