



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

CRIMINAL WRIT PETITION NO. 1568 OF 2024

ANIKET VASANT GUNJAL AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. K. N. Shermale, Advocate for the petitioners.

Mr. A.S. Shinde, A.P.P. for respondent – State.

Mr. Ajinkya Kale, advocate holding for Mr. Rajesh Mewara,
Advocate for respondent No.2.

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**CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 8 AUGUST 2025

Per Court :

1. This Petition, filed under Articles 226 and 227 of the Constitution of India, read with section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 ("BNSS" for short), seeks quashing of FIR bearing No. 0133 of 2024 dated 29.07.2024 registered with Ashvi Police Station, Taluka Sangamner, District Ahmednagar, for the offence punishable under sections 498A, 323, 504, 506 of the Indian Penal Code, lodged by Respondent No.2.

2. Petitioner No.1 is the husband, petitioner Nos.2 and 3 are father-in-law and mother-in-law respectively, petitioner No.4 is brother-in-law. Petitioner No.5 is the wife of petitioner

No.4. Petitioner No.6 is sister-in-law of respondent No.2.

3. The allegations made in the F.I.R. by respondent No.2, in short, are that, her marriage was solemnized with petitioner No.1 on 08.06.2023. Her parents spent an amount of Rs. 12,00,000/- to 13,00,000/- and gave ornaments, utensils, etc in the marriage. On the second day of marriage, her husband Aniket called her and said that proper respect was not given by her parents to his relatives and less gold was given in the marriage. He further said that he wants to purchase a plot, and therefore, she should bring Rs. 20,00,000/- from her parents. She told him that her family is poor and therefore they are unable to fulfill the demand. She then went to her paternal house and returned back on 13.06.2023. On 13.06.2023 when she returned to her matrimonial house, petitioner No.3 asked her as to whether she has brought the money, upon which respondent No.2 replied that she has not brought the money. On the same day petitioner Nos.1 to 3 took her gold ornaments and abused her in filthy language.

4. It is further alleged that on 03.07.2024 respondent No.2 alongwith petitioner Nos. 1 to 3 went to reside at Khandki, Pune. There also they used to harass her. On

08.07.2023 on completion of one month of their marriage, respondent No.2 went to wish to petitioner No.1 with flower, bouquet and Cake, but petitioner No.1 thrown said cake and bouquet and abused her in filthy language. Respondent No.2 informed the said fact to petitioner Nos.2 to 6, but they also abused her in filthy language and demanded money for purchasing a flat. They kept her under under starvation on account of their demand of money. Respondent No.2 informed the said facts to her mother and other maternal family members. They gave the understanding to the petitioners, but it was in vain. On 28.07.2024 her uncle namely Ramhari Nawale gave understanding to the petitioners, but it was of no use and the petitioners drove respondent No.2 out of their house. Thereafter respondent No.2 filed proceeding in the Family Court at Sangamner against the petitioners. After filing the said proceeding, respondent No.2 went to Pune to complete her education, at that time petitioner No.1 threatened her to withdraw the family court proceeding. Therefore respondent No.2 lodged complaint with Alankar Police Station, Pune city on 18.01.2024. On 11.09.2023, she approached to Bharosa Cell and lodged the complaint against the petitioners.

5. After filing of this FIR, investigation was conducted.

During the pendency of the present petition, charge sheet came to be filed and the case is numbered as RCC No. 47 of 2025 and is pending before learned Judicial Magistrate, First Class, Sangamner.

6. Heard learned advocate for the petitioners, learned A.P.P. for respondent No.1-State and learned advocate for Respondent No.2.

7. Learned advocate for the petitioners submitted that the allegations made in the F.I.R. against the petitioners are vague and general, without any details. There is delay of six months in lodging F.I.R. In the F.I.R. main allegations are only against husband-petitioner No.1. Petitioner Nos.2 to 6 are residing separately from petitioner No.1 and respondent No.2. In the complaint lodged before Bharosa Cell respondent No.2 has alleged that she was treated properly for one month, however, in the F.I.R. she has alleged that her ill-treatment started from the second day of marriage. Only with a view to pressurize petitioner No.1, names of petitioner Nos.2 to 6 are implicated in the present crime.

8. Per contra, learned A.P.P. and learned advocate for respondent No.2 strenuously opposed the petition and

submitted that petitioners have ill-treated the respondent No.2 on account of their illegal demand of money. They submitted that in view of the specific allegations of ill-treatment against the petitioners, no case is made out by the petitioners for quashing of the FIR.

9. After arguing for some time on merits, when this Court was not inclined to grant relief, learned advocate for the Petitioners, on instructions, seeks permission to withdraw the petition to the extent of petitioners No.1 (husband). Permission granted. Criminal Writ Petition, to the extent of petitioner No.1 is dismissed as withdrawn. It is informed that petitioner No.3 is expired during the pendency of the present petition. The petition, therefore, stands abated to the extent of petitioner No.3.

10. Bare perusal of the FIR and the charge sheet reveals that, allegations levelled against petitioner Nos.2 and 4 to 6 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. Petitioner No.2 is senior citizen. Petitioner No.4 is a doctor by profession and petitioner No.5 is his wife. They both are residing separately at Pune.

Petitioner No.6 is the sister-in-law of respondent No.2 and she is also residing separately. In spite of that they are made accused by respondent No.2 by making vague and general allegations against them. Record indicates that there is delay of about six months in lodging the F.I.R. It appears that the petitioners are implicated in the present crime out of personal grudge and only with a view to pressurize the husband and with ulterior motive of wrecking vengeance.

11. Law, on the point of quashing of complaint under section 498-A of the Indian Penal Code, against family members / relatives of wife is well settled. While laying down this law, the Apex Court in ***“Preeti Gupta V/s State of Jharkhand ; (2010) 7 SCC 667*** has made following pertinent observations :

“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 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 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”.

Petitioners' case is squarely covered by the above observations.

12. Taking into consideration the allegations made in the FIR, the material collected during the investigation and the attending circumstances of the case emerging from the record,

we are of the considered view that no ingredient of offence punishable under section 498-A of the Indian Penal Code is made out against petitioner Nos.2 and 4 to 6.

13. Learned Advocate for the petitioners has rightly placed reliance on the judgment in ***“Achin Gupta V/s State of Haryana and Another” 2024 (6) SCR 129***, which supports the case of the petitioners Nos.2 and 4 to 6.

15. For the aforesaid reasons, the petition deserves to be allowed. Hence, the following order:

ORDER

1. Criminal Writ Petition is allowed.
2. First Information Report in Crime No. 0133 of 2024 registered with Ashvi Police Station, Taluka Sangamner, District Ahmednagar and proceedings of RCC No. 47 of 2025, pending before learned Judicial Magistrate, First Class, Sangamner, are quashed and set aside, to the extent of Petitioner Nos. 2 and 4 to 6.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE