

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

CRIMINAL WRIT PETITION NO.1836 OF 2024

Mr. Yashwantrao Aanandrao Kadam & Ors. ...Petitioners

V/s.

The State of Maharashtra & Anr. ...Respondents

Mr. Abhishek Kulkarni a/w Adv. R. S. Pere and Adv. Sagar Wakale, for the Petitioners.

Mr. Tanveer Khan, APP for the Respondent No.1-State.

Mr. Rohit D. Gorade, for the Respondent No.2.

Mr. Yogesh Ramekar, API, Samta Nagar Police Station, present.

**CORAM: BHARATI DANGRE, &
SHYAM C. CHANDAK, JJ.**

DATED : 17th DECEMBER, 2025.

ORDER :- (PER SHYAM C. CHANDAK, J.)

1) Present Petition seeking quashing and setting side of the FIR bearing C.R. No.450 of 2023 dated 08.07.2023 registered with Samata Nagar Police Station, Mumbai under Sections 495, 498A, 323 and 504 r/w 34 of the Indian Penal Code, 1860 against the Petitioners on the Report filed by the Respondent No.2.

2) Heard Mr. Kulkarni, the learned Counsel for the Petitioners, Mr. Khan, the learned APP for the Respondent No.1-State and Mr. Gorade, the learned Counsel for the Respondent No.2 .

3) Rule. Rule is made returnable forthwith.

4) The Respondent No.2 is the wife of Siddharth Kadam. Their

marriage solemnized on 07.12.2019. The Petitioner No.1 is father-in-law, The Petitioner No.2 is mother-in-law and the Petitioner No.3 is sister-in-law of the Respondent No.2.

5) On 08.07.2023, the Respondent No.2 filed oral complaint with Samata Nagar Police Station, Mumbai therein she alleged that since 07.12.2019 till the filing of the complaint, her husband and the Petitioners in furtherance of their common intention suppressed the fact of four marriages which Siddharth had performed in the past and got married with Siddharth just for the sake of getting a male child to succeed their property. It is alleged that after the marriage, she delivered a girl child. Therefore, she was subjected to mental cruelty and beating. It is alleged that the Petitioner Nos.1 and 2 took her stridhan i.e. 40 tolas of gold and placed it with a bank and taken away Rs.71.4 lakhs from her. It is alleged that when she stopped providing money to her husband, the Petitioners abused her and subjected her to mental cruelty. Therefore, police registered the said complaint at FIR bearing C.R. No.450 of 2023 against her husband and the Petitioners.

6) Learned Counsel for the Petitioners submitted that majority of the allegations are made against the husband of Respondent No.2. Insofar as the allegations leveled against the Petitioners are concerned, the same are vague and general in nature and not sufficient to constitute the offence of cruelty etc., alleged against them. In fact, according to the learned

Counsel for the Petitioners, the Petitioners have been falsely implicated in the crime by an ulterior motive, allegedly out of vengeance. Therefore, continuation of the proceedings arising out of the impugned FIR would be an abuse of process of law.

7) In contrast, the learned APP for the Respondent No.1-State submitted that after the marriage, the Respondent No.2 was subjected to mental and physical cruelty from time to time. The instances of said cruelty beating etc., have been categorically stated in the subject complaint. He submitted that the Petitioners also contributed to the cruelty cause to Respondent No.2 by her husband. Therefore, this is not a fit case to quash and set aside the FIR.

8) Learned Counsel for the Respondent No.2 opposed the Petition and submitted that there is a strong *prima facie* case against the Petitioners for having committed alleged offences. According to him, whether the Petitioners have committed the alleged offences or not is question of trial which, in the light of allegations made in the complaint, cannot be adjudicated in this Petition. Therefore, he submitted to dismiss the Petition.

9) We have carefully considered these submissions and perused the complaint.

10) The first allegation against the husband and Petitioners is that, at the time of marriage, Respondent No.2 was aged 39 years and therefore, physically and mentally she was not capable to conceive. However, her

husband told her that his parents wants a male successor otherwise his parents will not give him a share in the property. Therefore, she acceded to the demand and conceived in December, 2019. In June 2020, her husband took her to reside at Kandivali (East), in a rental premises. At that time, she asked Siddharth about his owned house, and he replied that, his major housing project is going on. It is alleged that as the pregnancy was progressing, the behaviour of her husband and Petitioners was changed. The in-laws used to visit her house at Kandivali and raised quarrel on account of trifle. It is alleged that on 14.08.2020 she gave birth to a female child. Therefore, the husband and Petitioners stopped taking care of her and used to taunt her. This made her to realize that her husband married with her only for a male child.

11) It is alleged that her husband was addicted to liquor and cigarettes. She tried to make him understand, however, the husband and Petitioners used to beat her from time to time. From time to time, she gave Rs.71.4 lakhs to Siddharth. However, it is not stated as to how the Petitioners were connected to this payment. The aforesaid instances of alleged cruelty, do not fall within the definition of the 'cruelty' defined in Section 498A of Indian Penal Code, 1860.

12) It is alleged that her husband used to remain out side for 8 to 15 days in a month. Therefore, it was difficult for her to manage her three children, two from the first marriage and a daughter from her husband

Siddharth. Since she had stopped giving money to Siddharth, he used to quarrel with her. In January 2021, the couple wanted to shift to New Zealand, therefore, her husband adopted her two children from her first wedlock and gave them his name. Thereafter, Siddharth demanded her Rs.20,00,000/- and by pressurizing her took her stridhan i.e. 40 tola of gold and mortgaged it with the bank for Rs.13,00,000/-. In April 2021, Siddharth caused her to sale her plot at Nashik and purchased a Skoda Car out of the proceeds. It is alleged that in November, 2021 father-in-laws demanded Rs.40,00,000/- from the father of Respondent No.2. However, there is no allegation that fro not meeting the said demand, Respondent No.2 was subjected to cruelty by the Petitioners. However, nowhere, Petitioners were involved in the said instances. It is alleged that, meanwhile Respondent No.2 shifted to Nashik and residing there since 22.03.2023. Before going to Nashik, she met with the in-laws of Petitioner No.3, at that time, they told her about the four marriages performed by Siddharth in the past. However, there is no material on record showing that indeed, Siddharth had performed four marriages in the past.

13) The conspectus of the above discussion is that whatever allegations of cruelty are leveled against the Petitioners, they are not falling in the definition of 'cruelty' stated in Section 498A of the IPC. The instances of beating to Respondent No.2 by the Petitioners are not specifically stated in the Report. Therefore, the allegation of cruelty against

the Petitioners are nothing but vague and general in nature. Looking at the text of the FIR, it appears that there was a monitory dispute between the Respondent No.2 and her husband Siddharth. Therefore, she was finding it difficult to manage the domestic affairs. Therefore, to settle dispute raised with her husband, the Respondent No.2 implicated the Petitioners in the impugned FIR. Therefore, the continuation of the proceedings arising out of the impugned FIR against the Petitioners would be abuse of process of law. Therefore, we are inclined to allow the Petition. Hence, the following Order:-

:: ORDER ::

- (i) The FIR bearing C.R. No.450 of 2023 registered with Samata Nagar Police Station, Mumbai under Sections 495, 498A, 323 and 504 r/w 34 of the Indian Penal Code, 1860, is quashed and set-aside. No order as to costs.
- (ii) The Petition is made absolute in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)