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

WRIT PETITION NO.5585 OF 2024

Girish Ananda Jadhav & Ors. ... Petitioners
V/s.
The State of Maharashtra & Anr. ... Respondents

Ms. Kalyani Mangave i/b Chetan Patil for the Petitioners.
Mr. Tanveer Khan APP for Respondent No.1-State.
Mr. Kunal D. Nawale for Respondent No.2.

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

DATE : 3rd DECEMBER, 2025

ORDER: PER SHYAM C. CHANDAK, J.)

- 1) Petitioners arraigned as accused in FIR No.1603 of 2023, registered with Hadapsar Police Station, Pune for an offence punishable under Sections 498-A read with 34 of the Indian Penal Code, seeking quashing and setting aside of said FIR and consequent charge-sheet.
- 2) Heard Ms.Mangave, learned Counsel for the Petitioners, Mr.Khan, learned A.P.P. for Respondent No.1-State and Mr.Nawale, learned Counsel for Respondent No.2. Perused the Petition and the charge-sheet.
- 3) Rule. Rule made returnable forthwith.
- 4) Respondent No.2 is the wife of Petitioner No.1. Petitioner Nos.2 and 3 are parents and Petitioner No.4 is the brother of Petitioner No.1.

5) On 20/10/2023, Respondent No.2 filed an oral Report with Hadapsar Police Station, Pune. Therein, it is narrated that she got married to Petitioner No.1 on 12/12/2021. After the marriage, she went to cohabit in the family of the Petitioners. After some days, the couple went to reside in a separate tenement. However, Respondent No.2 used to do all domestic work of both the houses. Yet, Petitioner No.2 used to frequently quarrel with her.

On 08/01/2022, Petitioner Nos. 1 and 3 raised unnecessary dispute with Respondent No.2 over trivial matters and Petitioner No. 2 stated that no gold items were given in the marriage and the guests in the marriage were not treated properly.

Thereafter, Respondent No.2 went to her parental house for 'Sankranti' festival. On 28/01/2022, Petitioner No. 3 quarreled with her, questioning her educational qualification. On 02/02/2022, Respondent No.2 went to a hospital for check up, as she was unwell. On examination, the doctor told that she was pregnant. Thereafter, there was a meeting between the parties and Respondent No.2 went to her matrimonial house. Although she had returned to the matrimonial home, the Petitioners quarreled with her. Ignoring her pregnancy, she was told to do entire household work and was not allowed to eat adequately. There used to be frequent quarrels. Therefore, in March 2022 Petitioner No.1 made a phone

call to her brother and told him to take her to her parental house. Since then, Petitioner No.1 did not contact her. Therefore, dispute had occurred between the parties on that account.

It is stated that on 11/03/2022, Petitioner Nos.1 and 2 came to the parental house of Respondent No.2 and quarreled with her mother. On 18/03/2022, Respondent No.2 again went to her matrimonial house. However, Petitioner Nos.2 to 4 continued quarreling with her, unnecessarily. In August 2022, her mother again took her back to the parental house. On 21/09/2022, she delivered a male child. Thereafter, only once the relatives of Petitioner No.1 came to see the child. However, on that occasion they abused her mother and brother. Thereafter they did not contact her. Hence, she has filed the Report

As a result the impugned F.I.R. being C.R. No.1603 of 2023. On completion of the investigation, the police submitted charge-sheet.

6) Ms. Mangave, the learned Counsel for the Petitioners submitted that admittedly Respondent No.2 went to her parental house on 20/08/2022 for the purpose of delivery. Thereafter, on 08/02/2023 Petitioner No.1 issued a legal notice calling upon her to resume matrimonial life. She replied that notice but contending that she would resume matrimonial life only if Petitioner No.1 undertakes in writing that he would reside separately from his brother and family members. On

12/04/2023, the mother of Petitioner No.1 filed a complaint with Maharashtra State Women Commission seeking its help inter alia stating that they were not permitted to meet their grandson. A report was submitted by the said commission on 03/10/2023 stating that the said dispute cannot be resolved. On 07/10/2023, Petitioner No.1 filed a divorce Petition before the Family Court, Pune. Consequently, Respondent No.2 filed the Report and the impugned F.I.R. came to be registered. Hence, the F.I.R. is counterblast to marriage petition. She further submitted that all the allegations in the report are vague, baseless and false. The said allegations do not constitute ingredients of Section 498-A and alleged offence, and therefore the FIR deserves to be quashed and set aside.

7) In contrast, Mr. Khan, the learned A.P.P submitted that the FIR clearly indicates that Respondent No.2 was subjected to cruelty as defined under Section 498-A. The cruelty made it difficult for her to reside with the Petitioners. Therefore, she was sent to her parents by her husband. After the delivery, the mother and the new born were never taken care of by the Petitioners. Thus, the Petitioners mentally harassed her. The allegations in the F.I.R. are supported with the statements of witnesses. Therefore, the Petition may be dismissed. Mr. Nawale, the learned Counsel for Respondent No.2 supported the submissions made by the learned APP and emphatically submitted that the offence under Section 498-A is clearly made in the case.

8) We have considered these submissions in the light of text of the FIR and statements of witnesses and carefully scrutinised the F.I.R. and the statements of witnesses. The offence of cruelty is defined in two parts in Section 498-A of I.P.C. It reads :

- “(a) any wilful 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.

9) However, in the impugned F.I.R. there is nothing to show that there was wilful conduct on the part of the Petitioners which was likely to drive Respondent No.2 to commit suicide or cause grave injury or danger to life, limb or health. There is no material even *prima facie* suggesting that Respondent No.2 was subjected to harassment by the Petitioners with a view to coerce her or any person related to her to meet any unlawful demand for property etc. Considering the facts of the case, it appears that, the F.I.R. was filed by Respondent No.2 as a counterblast to the legal proceedings filed by Petitioner No.1 against her.

10) As held by the Hon'ble Supreme Court in a recent decision between **Digambar and Another vs. the State of Maharashtra and Another**¹, mere cruelty is not enough to constitute the offence of Section 498A of I.P.C. as it must be done with the intention to cause grave injury or drive the victim to commit suicide or inflict grave injury to herself. In the case of **Dara Lakshmi Narayana and Others vs. State of Telangana and Another**², vague allegations of cruelty were levelled in the F.I.R. by the complainant therein (wife) and the relatives of the husband (including the parents-in-law) were dragged into the crime without any reason. The F.I.R. lacked precise allegations and, it was lodged after the legal notice for Divorce was sent by the said complainant and it was therefore concluded that the F.I.R. came to be lodged as a retaliatory measure intended to settle score with the husband and his relatives.

11) In the case of **Digambar and Another [supra]**, the Hon'ble Supreme Court followed the decision in **Dara Lakshmi Narayana [supra]**, therein in paragraph 25 the Hon'ble Supreme Court observed as under :

“25. 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- recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic

1 2024 INSC 1019

2 2024 SCC Online SC 3682

disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised 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 unnecessary harassment of innocent family members....”

12) In the case in hand, Respondent No.2 has been staying at her parental house since August 2022. The F.I.R. has been filed on 20/10/2023, after a considerable time but without sufficiently explaining the delay. The allegations of cruelty made against the Petitioners are absolutely vague and general in nature. The F.I.R. has been filed subsequent to initiation of legal proceedings by Petitioner No.1, and all family members have been named but without any specific details to show the offence under Section 498-A. In view of the above, continuation of the criminal proceedings arising out of said F.I.R. would amount to abuse of the process of law. Therefore, we are inclined to allow this Petition and pass following order :-

(a) The FIR bearing C.R. No.1603 of 2023 dated 20/10/2023 registered with Hadapsar Police Station, Pune against the Petitioners and the consequent charge-sheet arising therefrom, is quashed and set aside

(b) Petition is disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)