

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

CRIMINAL WRIT PETITION NO.6043 OF 2024

Mayur Prakash Dhas & Ors. ...Petitioners
V/s.
The State of Maharashtra & Ors. ...Respondents

**WITH
CRIMINAL WRIT PETITION NO.6701 OF 2024**

Shivling Sitaram Tryambake ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

**WITH
CRIMINAL WRIT PETITION NO.6719 OF 2024**

Mandar Prakash Dhas ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Adv. Ajinkya Udane a/w Adv. Vinayak Pandit & Adv. Sufyaan Mansuri, for
the Petitioners.
Mr. S. R. Agarkar, APP for the Respondent-State.
Ms. Grishma Lad (through V.C.) a/w Adv. Priyanka Yadav, for the
Respondent No.3 in WP/6701/2024, WP/6719/2024 & WP/6043/2024.

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

DATED : 03rd DECEMBER, 2025.

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

1) Present Petitions invoke the jurisdiction of this Court under
Section 482 of the Cr.P.C. and seeking quashing and setting aside of F.I.R.
bearing No.76 of 2024 dated 21/02/2024 registered with Vishrantwadi
Police Station, Pune for the offences punishable under Sections 498A, 377,

323, 504, 506, 109 of the Indian Penal Code, 1860 on the report of Respondent No.3.

2) Heard Mr. Udane, the learned Counsel for the Petitioners, Mr. Agarkar, learned APP for the Respondent-State and Ms. Lad, the learned Counsel for the Respondent No.3.

3) Rule. Rule is made returnable forthwith.

4) Respondent No.3 is wife of Mandar Dhas, who is Petitioner in Criminal Writ Petition No.6719 of 2024. Their marriage was solemnized on 24/11/2009. In Criminal Writ Petition No.6043 of 2024, Petitioner Nos.1 to 3 and No.5 are brother-in-law, sister-in-law, mother-in-law and maternal-in-law of Respondent No.3, respectively, and Petitioner No.4 is wife of Petitioner No.1. Petitioner in Criminal Writ Petition No. 6701 of 2024 is a family friend of the other Petitioners.

5) On 21/02/2024, Respondent No.3 filed an oral Report therein she stated that a reception was arranged after her marriage. Her husband had demanded an amount of ₹2,00,000/- from her parents for the marriage reception. Her father gave ₹1,50,000/- for the same. However, the Petitioners started harassing her for having brought ₹50,000 less. After the reception, she was abused and beaten up. She was caused to do the domestic work for the whole day, to eat stale food and starve. The mother-in-law used to cause her friend Shivkumar Tryambake to abuse and threaten her on the phone. However, the Petitioners used to beat and abuse

her. Her husband repeatedly committed an act against her which was punishable under Section 377 of I.P.C.

It is alleged that, in July 2010, the Petitioners took her *Stridhan* and demanded her ₹20,00,000/- to be brought from her parents and then driven her out of the house abusing and beating her on that count. Thereafter, the Petitioners sent her to her parental house.

On 19/03/2011, Respondent No.3 delivered a male child at Solapur. However, nobody came from the Petitioners' side to take her back to her matrimonial house. However, the matter was settled with the intervention of the Mahila Mandal, Solapur, and Respondent No.3 and her child were taken to her matrimonial house. However, the Petitioners assaulted her 3-4 times on account of she complained to the Mahila Mandal, Solapur. She was forced to do hard exercise to get slim. One day, she saw obscene photographs of her husband's girlfriends in his laptop. Therefore, her husband and mother-in-law quarrelled with her. Then, they relocated her in a rented premises at Wakad. However, her husband used to visit there only once in a week. After three months, again her husband relocated her to Chinchwad. Thereafter, she became pregnant and delivered a girl child, but her husband assaulted her on account of delivering a girl child. In the year 2014, she, her husband and their children went to reside at Dhanori. However, even there, the Petitioners abused and beat her on account of she did not fulfil the demand of

₹20,00,000/- for purchasing a flat, as above. They also snatched her 10 *tolaas* gold ornaments. Between 2015 to 2018, the Petitioners filed false NC complaints against her. In March 2018, her husband left her and went to reside with his parents. Between March 2018 to May 2019, she was compelled to attend various cases filed by the Petitioners.

Thus, the Petitioners subjected Respondent No.3 to cruelty between 30/11/2009 to 20/03/2018 and misappropriated her *Stridhan*. Therefore, the police registered the said F.I.R. for the alleged offences. On completion of the investigation, police submitted the charge-sheet.

6) Mr Udane, the learned Counsel for the Petitioners submitted that the said allegations of cruelty are afterthought, vague and general in nature. In fact, the Report is filed out of vengeance. Therefore, F.I.R. and the Charge-sheet may be quashed and set aside.

7) In reply, Mr Agarkar, the learned APP submitted that the F.I.R. clearly indicates that Respondent No.3 was subjected to continuous mental and physical cruelty to coerce her to fulfil the unlawful demand of money and to cause her to do the entire household work. Therefore, the police registered her Report and charge-sheeted the Petitioners. Although the Report is delayed, it cannot be viewed with doubt and set aside at this nascent stage of the case. Therefore, there is no substance in the Petitions. Ms Lad, the learned Counsel for Respondent No.3 adopted and supported the submissions made by the learned APP.

8) It is trite that every allegation of cruelty is not sufficient to invite the prosecution of an offence under Section 498A of I.P.C. but the cruelty must be the one as defined in the Explanation under Section 498A which reads :-

"Explanation. - For the purpose of this section, "cruelty" means -

- (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) We have considered the rival submissions and perused the F.I.R. and the statement of witnesses in the light of the provisions of Section 498A and other offences. On such consideration, we find that, most of the allegations made in the F.I.R and statement of witnesses are vague and very general in nature. Neither specific instances of the alleged cruelty are stated in the Report nor its date and time are mentioned. The alleged cruelty was caused between 2009 to 2018. However, it has been reported to the police on 21/02/2024. The majority of the allegations are relating to very stale instances of the alleged cruelty. There is absolutely no

material to show the 'cruelty' as defined in the said Section 498A. The allegations pertaining to the offence of Section 377 of I.P.C. are baseless.

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. 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

1. 2024 INSC 1019

2. 2024 SCC OnLine SC 3682

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 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....”

11) From the F.I.R. it is evident that before filing the F.I.R., the parties were litigating against each other in Criminal and Civil cases including the matter for custody of children. Considering the material as a whole, it appears that the present F.I.R. has been filed out of vengeance and to teach a lesson to the Petitioners. In the case of **State of Harayana and Others vs. Bhajan Lal and Others**³, the court considered categories of the cases wherein power under Article 226 or inherent powers under section 482 of the Code, could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice. One of such categories as stated in para 102 of the said case is "*Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.*"

³ 1992 SCC (Cri) 426

12) In the backdrop, causing the Petitioners to face the said prosecution would be an abuse of the process of law. Therefore, the said F.I.R. and the consequent charge-sheet, in our considered view, is liable to be quashed and set aside. As a result, the Petitions succeed. Hence, the following Order is passed:-

- (i) F.I.R. bearing No.76 of 2024 dated 21/02/2024 registered with Vishrantwadi Police Station, Pune for the offences punishable under Sections 498A, 377, 323, 504, 506 and 109 of the Indian Penal Code, 1860, along with the consequent charge-sheet, are quashed and set aside.
- (ii) The prayers in the Petitions are made absolute in the aforesaid terms.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)