



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.18 OF 2025

APPLICANTS

- :- 1) Pandhari S/o Gopalrao Tapre,
Aged 77 years, Occ: Retired,
- 2) Indutai W/o Pandhari Tapre,
Aged 68 years, Occ : Household,
- 3) Eknath S/o Pandhari Tapre,
Aged 42 years, Occ: Nil,
Applicants 1 to 3 R/o C/o Rajesh
Lande, Shambaji Nagar, Adarsh
Colony, Akola, Tq. & Dist. Akola.
- 4) Surekha W/o Ashokrao Jamnekar,
Aged 45 years, Occ: Household,
R/o Borkhed, Taluka Bhatkuli,
District Amravati.
- 5) Sangita W/o Ganesh Aade,
Aged 47 years, Occ : Household,
R/o Akot, Taluka, Akot, Dist. Akola.
- 6) Hemanth Prakashrao Yete,
Aged 40 years, Occ: Service.
- 7) Gaurav S/o Subhashrao Tayade
Aged 38 years, Occ: Service,
Applicant No.6 to 7 R/o. SRPF
Camp, Amravati, Frezapur, Taluka &
Dist. Amravati.

..VERSUS..

NON-APPLICANTS

- :- 1) State of Maharashtra, Through its
Police Station Officer, Police Station
Dabki Road, Tah. Akola, District –
Akola.

2) Vidyashree W/o Gorakhnath Tapre,
Aged 33 years, Occ: Service,
R/o Gajanan Nagar, Lane No.2,
Dabki Road, Akola.

Mr.A.M. Tirukh, Advocate for Applicants.
Mr S.S. Doifode, A.P.P. for the Non-applicant/State.

CORAM : **ANIL S. KILOR AND**
MRS. VRUSHALI V. JOSHI, JJ.

DATE : **01/07/2025**

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.

2. **Rule.** The Rule is made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

3. By the present application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, a prayer is made for quashing of the Chargesheet No.74 of 2022, dated 01.08.2022, in R.C. C. No.1000 of 2022, arising out of Crime No.542 of 2021, dated 17.07.2021, registered with Police Station, Dabki Road, Akola, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code.

4. The prosecution case is that, on 16.07.2021, the non-applicant No.2 lodged a report with police station stating therein that her marriage was performed with Gorakhnath son of applicant Nos.1 and 2 on 20.06.2014. She states that, she resides in-laws house for seven to eight days and thereafter, she went with her husband at Amravati as her husband is serving in SRPF. She alleged that, she was treated well for seven to eight months and thereafter, husband started harassment and tortured her physically and mentally on the ground that, she is not good looking and she does not know cooking.

5. She further states that whenever she went to her in-laws' house, they used to make demands, and whenever a complaint was made about her husband's behaviour, the in-laws used to support his behaviour. It is further alleged that, the in-laws and friends of her husband who are the applicant Nos.6 and 7 used to instigate her husband to torture and harass her. Accordingly, a crime was registered against the present applicants.

6. Applicant No.1 is father-in-law, applicant No.2 is mother-in-law, applicant No.3 is brother-in-law, applicant Nos.4

and 5 are sisters-in-law and applicant Nos.6 and 7 are friends of husband of the non-applicant No.2.

7. If the allegations made in the FIR are considered and appreciated, it is evident that, vague and general allegations are made and there are no details about the incidents or the nature of the harassment by each individual accused. The non-applicant No.2 went to the extent of roping in the friends of the husband, who are admittedly not relatives.

8. Furthermore, as regards Section 323 of the IPC is concerned, there is no material to support the allegations and even the details of such assault are not there. Similar is the case as regards allegations relating to Sections 504 and 506 of the IPC.

9. The Hon'ble Supreme Court of India has time and again observed that the tendency of falsely implicating the family members of the husband in the matters of family discord is on rise, and therefore, the Court needs to be more cautious and shall try to find out whether there is any substance in the complaint or it is made with an oblique motive to harass and torture the family members of the husband.

10. In the present matter, as we have already observed that, vague and general allegations have been made against the husband and in-laws by the non-applicant No.2, it appears that the complaint is nothing but arms twisting. Therefore, it would be abused of process of law if the applicants are compel to face the trial. Accordingly, we pass the following order:-

- i) The criminal application is **allowed**.
- ii) The proceeding namely R.C.C. No.1000 of 2022, pending on the file of learned Judicial Magistrate First Class, Court No.3, Akola, arising out of Chargesheet No.74 of 2022, dated 01.08.2022 and First Information Report No.542 of 2021, dated 17.07.2021, registered with Police Station, Dabki Road, Akola, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.

Rule is made absolute in above terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.) (ANIL S. KILOR, J.)