



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

CRIMINAL APPLICATION (APL) NO.98 OF 2022

[Surabh Arun Sarage and Others ..Vs.. State of Maharashtra and Others]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

**Corrected as per
Court's order
dated 25.11.2025.**

Mr. S. B. Gandhe, Advocate for Applicants.
Ms. S. V. Kolhe, Addl. P. P. for Non-Applcmt/State.
Mr. G. R. Dhole, Advocate for Non-Applcmt No.2.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.

DATE : 11th NOVEMBER, 2025.

. Heard.

2. The present application is preferred by the applicants who are the husband and in-laws as well as the brother-in-law and wife of the brother-in-law for quashing of the First Information Report in connection with Crime No.1692 of 2021 registered under Sections 498-A and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The present applicants are arraigned as an accused on the basis of a report lodged by the informant – Aparna Saurabh Sarage on an allegations that her marriage with applicant No.1 was performed on 17.12.2012 and after marriage, she resumed cohabitation at the house of the present applicants, but applicant No.1 suspected her character and ill-treated her physically as well as mentally. He was not provided any expenses for the treatment of her son who was begotten from the said marriage. The applicant

Nos.2 to 5 were instigating the applicant No.1. On the basis of the said report, police have registered the crime against the present applicants.

4. Heard learned counsel for the applicants who submitted that the applicant No.1 and the informant were residing separately at different place. They also resided abroad. As far as the applicant Nos.2 to 5 are concerned, they never resided with the complainant and applicant No.1 and therefore, the question of harassment at their hands does not arise. Moreover, he submitted that even recitals of the First Information Report as well as the statement of the various witnesses, nowhere discloses any specific instances or any specific act as far as the physical and mental cruelty is concerned. He submitted that general and omnibus allegations are levelled against them. In view of that the application deserves to be allowed.

5. Per contra, learned Additional Public Prosecutor strongly opposed the said application and submitted that as far as the husband is concerned, there was specific allegation that he was suspecting the complainant's character and that is sufficient to infer that she was subjected to mental harassment. Therefore, the application deserves to be rejected.

6. Learned counsel for the complainant also endorsed the said contentions made by the learned A.P.P. He submitted that complainant was subjected for physical as well as mental

harassment and present applicants are concerned, therefore, the present application deserves to be rejected.

7. In support of the contentions, the learned counsel for the applicants placed reliance on the recent decision of the Hon'ble Apex Court in the case of *Sanjay D. Jain & Others vs. State of Maharashtra*, reported in *2025 LiveLaw (SC) 960*.

8. After hearing both the sides and perusing the investigation papers, as far as the applicant No.1 is concerned, there is a specific allegation that he suspected the character of the complainant and also disowned the paternity. As far as the applicant Nos.2 to 5 are concerned, admittedly, there are general allegations levelled against them only to the extent that they have instigated the applicant No.1. However, the least of the instigation is not stated by the complainant in the said First Information Report. It is further revealed from the statement of the complainant and the relatives that after marriage, complainant resumed cohabitation and was staying at U.A.E. alongwith her husband. The other applicants i.e. applicant Nos.2 to 5 were residing in India. Thus, as far as the applicant Nos.2 to 5 are concerned, except for the general and omnibus allegations, there are no specific instances narrated by the informant regarding their role.

9. In view of the observation of the Hon'ble Apex Court in the case of *Preeti Gupta and Another vs. State of Jharkhand and Another*, reported in *(2010) 7 SCC 667* wherein, it has held that

“the allegations of harassment by the husband’s close relatives who had been living in different cities and never visited or rarely visited the place where the complainant - wife resided would have an entirely different complexion. Such allegations of the complainant are required to be scrutinized with grate care and circumspection”.

10. In the case of *Kahkashan Kausar @ Sonam vs The State Of Bihar*, reported in *(2024) 6 SCC 599* wherein, it has held that “it must be borne in mind that although two FIRs may constitute to independent instances, based on separate transactions, the present complainant fails to establish specific allegations against the in-laws of the respondent-wife. Allowing prosecution in the absence of clear allegations against the in-laws appellants would simply result in an abuse of the process of law.”

11. Similar view is taken by the Hon’ble Apex Court in the recent judgment in the case of *Mange Ram vs State of Madhya Pradesh*, reported in *Manu/SC/1066 of 2025*. By referring it in earlier judgment in *Dara Lakshmi Narayan and Others vs. State of Telangana and Others, Manu/SC/1309-2024* wherein, the Apex Court has made it clear that “the family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of the matrimonial discord. The Court observed that it has become recurring tendency to implicate every member of the husband’s family irrespective of their own or actual involvement merely because a dispute has arisen between the spouses”.

12. In view of the above observations of the Hon'ble Apex Court, if the facts of the present case are taken into consideration, admittedly, there are specific allegations as far as the present applicant No.1 - husband is concerned, but as far as applicant Nos.2 to 5 are concerned, general and omnibus allegations are levelled against them. Allowing the prosecution of applicant Nos.2 to 5 would be an abuse of the process of law.

13. In view of that, the application deserves to be partly allowed. Hence, we proceed to pass the following order :

ORDER

- i) The criminal application is partly allowed.
- ii) The prayer to the extent of applicant No.1 – Saurabh Arun Sarage is rejected.
- iii) The First Information Report in connection with Crime No.1692 of 2021 registered under Sections 498-A and 506 read with Section 34 of the I.P.C. and consequent proceedings arising out of the same bearing R.C.C. No.1861 of 2025 are hereby quashed and set aside to the extent of applicant Nos.2 to 5 i.e. applicant No.2–Arun Janardhan Sarage, applicant No.3 – Varsha Arun Sarage, applicant No.4 – Ashutosh Arun Sarage and applicant No.5 – Asmita Ashutosh Sarage.

(NANDESH S. DESHPANDE, J.) (URMILA JOSHI-PHALKE, J.)