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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.235 OF 2023

Namdev S/o Nivrutti Kohad and others

Vs.

The State of Maharashtra through P.S.O., P.S. MIDC, Nagpur and another

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

Court's or Judge's orders

Shri M.V. Rai, Advocate for applicants
Shri N.H. Joshi, APP for non-applicant/State

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

DATED : 24.09.2025

The application is filed by the applicants for quashing and setting aside the for quashing of the First Information Report in connection with Crime No. 0985/2020, registered with M.I.D.C. Police Station, District Nagpur, under Section 498-A, 504, 506, 323, read with Section 34 of the Indian Penal Code, as also the consequent charge-sheet bearing No.150/2021, registered as Regular Criminal Case No.267/2021, pending before the learned Judicial Magistrate First Class, Hingna, District Nagpur.

2. The applicant No.1 is husband, the applicant Nos. 2 and 3 are in-laws of the non applicant No.2 and the applicant No.4 is the married sister of the applicant No.1. They are arraigned as accused in connection with the crime

registered on the basis of the report lodged by the non-applicant No.2, who is the wife of applicant No.1, alleging that her marriage was performed with the applicant No.1 on 02.01.2019. After marriage, she resumed the cohabitation. Initially for two months she was treated well, and subsequently the applicant No.1 started ill treating her by demanding the amount for pursuing the further education and for purchasing the car. As she could not fulfill his demand, she was ill treated by the present applicant No.1 and the in-laws. Therefore, she constrained to leave the matrimonial house. On the basis of the said report, police have registered the crime against the present applicants.

3. Heard learned Counsel for the applicants, who submitted that on general and omnibus allegations the First Information Report is lodged. As far as the charges levelled against the present applicants are concerned, which are not substantiated by any material evidence, and therefore, it would be futile exercise if the applicants are forced to face the trial. In view of that he invited our attention towards the recitals of the First Information Report, as well as various statement of witnesses, and submitted that as *prima facie* case is not made out, the First Information Report and consequent proceedings deserves to be quashed.

4. Learned Additional Public Prosecutor strongly opposed the said application and submitted that as far as far as husband is concerned, there is specific allegations that

after marriage he has demanded the amount from the informant and also ill treated her. Thus, the aspect of unlawful demand is apparent from the statement of the informant as well as the other prosecution witnesses. In view of that *prima case* is made out, and hence, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the entire investigation papers, as far as applicant No.1 is concerned, who is the husband, there is specific allegation levelled by the informant that after marriage within two months she was ill treated by demanding the amount for pursuing his education, as well as for purchasing the car. As far as the applicant Nos. 2 to 4 are concerned, general and omnibus allegations are levelled against them. The applicant No.4 is married long back but staying at her maternal house. It is apparent that on the basis of the omnibus and general allegations, the applicant Nos. 2 to 4 are arraigned as an accused. This aspect is considered by the Hon'ble Apex Court in various decisions. In the case of ***Preeti Gupta Vs. State of Jharkhand, (2010) 7 SCC 667***, wherein, the Hon'ble Apex Court observed in paragraph Nos. 30, 32, 34 as under :

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is repeatedly increasing in our country. All the Courts in our country including this Court are flooded with the matrimonial cases. This really demonstrates

discontent and unrest in the family life of a large number of people in the society.

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32. It is the matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We came across a large number of such complaints which are not even bona fide and as filed with oblique motive. At the same time rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

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34. Unfortunately, at the time of filing of complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to unsurmountable, harassment, agony and pain to the complainant, accused and his close relations.”

6. In the case of ***Kahkashan Kausar Vs. State of Bihar, (2022) 6 SCC 599***, the Supreme Court after taking stock of various decisions, rendered by the supreme Court in the subject matter, observed in paragraph No. 17 as under :

“The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and

in-laws of the husband when no prima facie case is made out against them.”

7. Now it became a recurring tendency to implicate all the family members in such type of the crime, and in view of that the applicant Nos. 2 to 4 appears to be arraigned as accused. This aspect is also now well settled and it is observed in the catena of decisions that the family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Hon'ble Apex Court has observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement.

8. In view of the above circumstances, the application deserves to be partly allowed. Hence, we proceed to pass the following order:

ORDER

- i) The application is partly allowed.
- ii) The prayer of the applicant No.1 for quashing of the First Information Report, is hereby rejected.
- iii) The First Information Report in connection with Crime No. 0985/2020, registered with M.I.D.C., Police Station, District Nagpur, under Section 498-A, 504, 506, 323, read with Section 34 of the Indian Penal Code, as also the consequent charge-sheet bearing No.150/2021,

registered as Regular Criminal Case No.267/2021, pending before the learned Judicial Magistrate First Class, Hingna, District Nagpur, to the extent of applicant No.2 – Nivrutti Vitthalrao Kohad, applicant No.3 – Rajani W/o Nivrutti Kohad and applicant No.4 – Minakshi W/o Ankush Ambatpure, is hereby quashed and set aside.

9. The application is disposed of in the above terms.

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

Jayashree..