



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

CRIMINAL APPLICATION (APL) NO.161 OF 2023

- APPLICANT(S)** : 1) **Ramdas Namdeorao Wakpanjar**
Age- 64yrs, Occu: Retired,
- 2) **Maya Ramdas Wakpanjar**
Age- 56yrs, Occu: Housewife
Both R/o Prabuddha Nagar, Wadali,
Amravati, Tq. and Dist. Amravati
- 3) **Swati Sunil Ingale,**
Age-35 yrs, Occu: Housewife, R/o
Chandan Nagar, Behind Radisson Blue
Hotel, Pune, Tq. and Dist. Pune.
- 4) **Aarti Sandip Gawande,**
Age-26 Occu- Housewife, R/o- Police
Quarters, Brahmapuri, Tq. Brahmapuri,
Dist. Chandrapur,

..VERSUS..

- NON-APPLICANT(S)** : 1) **State of Maharashtra**
Through P.S.O. Dabki Road, Akola.
- 2) **Jayshree Sandesh Wakpanjar,**
Age- 30 yrs, Occu- Housewife, C/o-
Milind Shirsat, Bhim Nagar, Dabki Road,
Akola, Dist. Akola.

Mr. S.B. Gandhe, Advocate for Applicant/s.
Mr. Nikhil Joshi, APP for the non-applicant/State

CORAM : **ANIL S. KILOR AND PRAVIN S. PATIL, JJ.**

DATE : 7th May, 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. None appears for the non-applicant No.2, though served.
3. This is an application filed under Section 482 of the CrPC for quashing and setting aside the First Information Report (FIR) No.232 of 2022 dated 13.06.2022, registered with Police Station Dabki Road, Akola, for the offences punishable under Sections 323, 494, 498A, 504, 506 and read with Section 34 of the IPC.
4. The applicant No.1 is the father-in-law, the applicant No.2 is the mother-in-law and the applicant Nos.3 and 4 are the sisters-in-law of the non-applicant No.2. On perusal of the report lodged by the non-applicant No.2, it is evident that she alleged that the accused ill-treated and harassed her. It is alleged that her in-laws used to say that she is a maid servant

for them. They also criticized her for not knowing how to do household work properly and on that count, they used to insult and illtreat her physically and mentally. It is further alleged that the accused Swati Ingale used to say that her brother will pay Rs.20 Lakhs to her for giving divorce. In the complaint, she further alleged that there was a demand of Rs.6 Lakhs which was satisfied by her parents.

5. Lastly, it is alleged that the accused drove the non-applicant No.2 out of the matrimonial house on 11.08.2020 along with her child. She further states about second marriage performed by her husband and it is alleged that though there was no decree of divorce, her husband performed second marriage with the help of his family members and accordingly, the complaint was lodged.

6. In the backdrop of the above referred prosecution story, we have heard the learned counsel for the applicants and the learned APP.

7. As we have stated that the applicants are the in-laws

of the non-applicant No.2 and her husband is not party to this application, from the above referred allegations made in the FIR, it is evident that as far as the allegations against the applicants are concerned, the same are vague and generalised, as there is no mention of specific incidents, dates or other details.

8. It is beneficial to refer to the judgment of the Hon'ble Supreme Court, in the case of ***Dara Lakshmi Narayana vs The State Of Telangana***¹, which reads thus:

“28. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek

¹ 2024/INSC/953

compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

*29 to 30. (***)*

31. Further, this Court in Preeti Gupta vs. State of Jharkhand (2010) 7 SCC 667 held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. 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 resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection."

9. From the above referred observations of the Hon'ble Supreme Court, it is evident that if the Court is convinced by the fact that the involvement by the complainant of her husband and his close relatives is with an oblique motive then even if the FIR and the chargesheet disclose the commission of a cognizable offence, the Court with a view to doing substantial justice should read in between the lines the oblique motive of the complainant and take a pragmatic view of the matter.

10. It is further evident that to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then the Court owes a duty to look into the FIR with care and a little more closely.

11. In the teeth of the above referred observations of the Hon'ble Supreme Court of India, we revert back to the facts of the present case. As we have already observed that as far as the allegations against the applicants are concerned, those are vague and appear to be made to implicate the applicants falsely in the alleged offence.

12. In the circumstances, as no offence constitutes against the applicants, even if the allegation are taken on its face value, we are of the opinion that this is a fit case for quashing and setting aside the FIR against the applicants. Accordingly, we pass the following order:

- (i) The application is **allowed**.
- (ii) The First Information Report (FIR) No.232 of 2022

dated 13.06.2022, registered with Police Station Dabki Road, Akola, for the offences punishable under Sections 323, 494, 498A, 504, 506 and read with Section 34 of the IPC, against the present applicants.

Rule accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)