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

CRIMINAL APPLICATION (APL) NO.403 OF 2024

1. Shri. Gajanan s/o Sopan Dhoble,
Aged 65 Years, Occupation : Retired. [Father-in-law]
2. Sau. Shantabai w/o Gajanan Dhoble,
Aged 50 Years, [Mother-in-law]
Occupation : Housewife.

Applicant Nos.1 and 2 are
R/o Hari Om Colony, Near Swagat Lawn,
Washim, Taluka and District Washim,
At present residing at Pune.
3. Rohit s/o Gajanan Dhoble,
Age : 33 Years, Occupation : Advocate, [Husband]
R/o. Civil Lines, Washim,
District Washim.
4. Prafulla s/o Gajanan Dhoble,
Age : 28 years, Occupation : Advocate, [Brother-in-law]
R/o. Hari Om Colony,
Near Swagat Lawn, Washim,
Taluka and District Washim,
At present residing at Pune. **.... APPLICANTS**

// VERSUS //

1. State of Maharashtra,
Through Police Station Officer,
Police Station Washim,
Taluka and District Washim.
2. Sau. Apeksha Rohit Dhoble,
Aged about 27 Years,
Occupation: Private Service,
R/o. Hariom Nagar,
Near Swagat Lawn, Washim,
Tahsil and District Washim. **.... NON-APPLICANTS**

Mr. Swapnil S. Shingane, Counsel for the applicants.
Mr. M. J. Khan, APP for non-applicants/State.
Mr. Aniruddha Ananthakrishnan, Counsel for non-applicant
No.2.

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

RESERVED ON : 06.10.2025

PRONOUNCED ON : 15.10.2025

JUDGMENT : (PER : URMILA JOSHI-PHALKE, J.)

1. **Admit.**

2. Heard finally with the consent of the learned Counsel of the parties.

3. Present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No.348/2023 registered with Police Station Washim District Washim for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and consequent proceeding arising out of it bearing charge sheet No.179/2023.

4. The crime is registered on the basis of the report lodged by the non-applicant No.2 Apeksha Rohit Dhoble, who is the wife of applicant No.3 Rohit Gajanan Dhoble, applicant Nos.1 and 2 are the in-laws and applicant No.4 is the brother-in-law. As per her allegations, her marriage was performed with the applicant No.3 on 16.01.2021 as per Hindu rites and religion. The marriage was performed by her father by incurring the expenses. The applicant No.1 is a retired District Judge. As per her allegation, she was ill-treated by the present applicants for various reasons. She also alleged that the applicants made an

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attempt to show her as a mentally affected girl. She along with her husband were driven out of the house and they started residing in rented premises. She further alleged that she was abused, assaulted by the applicants and created the false evidence to show that she has possessed the house of applicant No.1 forcefully. On the basis of the said report, police have registered the crime against the present applicants.

5. Heard learned Counsel for the applicants, who submitted that with the omnibus and baseless allegations, the crime is registered only to give counterblast to the complaint filed by the applicant No.1. The applicant No.1 had been to Pune at the house of applicant No.4. During his absence, the non-applicant No.2 had taken forceful possession of his self acquired residence and disallowed them to enter into the house. Regarding the same, the applicant No.1 has filed a complaint. The Sub-Divisional Officer, Washim has also passed an order against the non-applicant No.2 as she took forceful possession of the house of the applicant Nos.1 and 2. As the present applicant No.1 has filed a complaint against her, prior to her report, and to give counterblast to the said report, this false report is lodged against the applicants. He submitted that the applicants are implicated due to the dispute between the spouses, merely because they are nearest relatives of the husband. The entire

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allegation is false and baseless, in view of that, the FIR deserves to be quashed and set aside along with the subsequent proceedings.

6. Learned APP and learned Counsel for the complainant strongly opposed the said application on the contention that there are specific allegations against all the applicants. Considering the nature of allegations that the victim was not physically tortured but mentally tortured by the present applicants and there is sufficient material to prove the charge against them. In view of that, the application deserves to be rejected.

7. After hearing both sides and on perusal of the application and other relevant documents, it reveals that after marriage, the non-applicant No.2 resumed the cohabitation at the house of the present applicants. After some time, as there was dispute between the non-applicant No.2 and other family members with the intervention of applicant No.1, they started residing in separate rented premises, therein also there was no cordial relations with the husband and wife and non-applicant No.2 has left the matrimonial house. The complaint filed by the non-applicant No.2 dated 14.03.2023 addressed to the Police Station, Washim discloses allegations against the husband only. The application dated 14.03.2023 shows that her marriage was

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performed on 16.02.2021 and she started residing separately along with her husband since 26.10.2022. Thus, approximately for one year, she resided along with all the family members. It further reveals that the applicant No.1 has filed an application before the Forum Constituted for Senior Citizens and the Sub-Divisional Officer passed an order considering all the facts and observed that the non-applicant No.2 has obtained the possession of the house owned by the applicant Nos.1 and 2 illegally. As far as the applicant No.4 is concerned, since prior to the marriage of applicant No.3 and non-applicant No.2, studying in Pune and occasionally during the vacations, she is visiting his house. As far as the allegation against him is concerned, which is general in nature. The application filed by the applicant No.3 for dissolution of marriage is also prior to the complaint filed by the informant. Thus, it is apparent that due to the dispute between his spouse, the alleged complaint came to be lodged. The careful scrutiny of the FIR shows that vague, general and omnibus allegations are made against applicant Nos.1, 2 and 4 regarding ill-treatment for trifle reasons. No particulars of such ill-treatment have been given. At this stage reference can be given to Section 498-A of IPC which reads as under:

"498-A. Husband or relative of husband of a woman subjecting her to cruelty -- Whoever, being the husband or the relative of the husband of a woman,

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subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

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 meet such demand."

8. On perusal of the entire material all the statements are omnibus stereotype. At this stage, reference can be given to the observations made by the Hon'ble Apex Court in the matter of **Preeti Gupta vs State of Jharkhand** reported in **(2010) 7 SCC 667** wherein the Apex Court observed in para Nos.30, 32 and 34 as under:

"30. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

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32. It is a 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 come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

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

9. In the case of **Kahkashan Kausar @ Sonam vs The State of Bihar** reported in **(2022) 6 SCC 599**, the Supreme Court after taking stock of various decisions, rendered by the Supreme in the subject matter, observed in para 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

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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."

10. The object of the provision is prevention of the dowry. But as in catena decision it is held that the complaints are not bonafide and some times filed with oblique motive. In such cases acquittal of the accused does not in all cases wipe out the ignominy suffered during and prior to trial. Merely because the provision is constitutional and intra vires, does not give a licence to unscrupulous persons to wreck personal vendetta or unleash harassment.

11. Recently, the Hon'ble Apex Court in the case of **Mange Ram vs State of Madhya Pradesh [MANU/SC/1066/2025]** by considering the various decisions observed that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would

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amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.

12. Keeping in mind aforesaid observations, we find that this is a fit case to exercise our jurisdiction under Section 482 of Cr.P.C. and quashed and set aside the proceedings as against the applicant Nos.1 and 2 and 4. Since the contents of the FIR and charge sheet appears to be on the basis of allegations regarding the relationship between the husband and wife and specific allegations of beating and abusing at the hand of husband, the *prima facie* case is made out against the husband. Similarly, the possibility of false implication of applicant Nos.1 and 2 based on such omnibus allegation is revealed from the record. We therefore, feel it necessary to quash and set aside the FIR and consequent proceedings bearing charge sheet No.179/2023 registered under Section 498-A, read with Section 34 of the Indian Penal Code. Hence, we pass following order:

ORDER

(i) The application is **partly allowed**.

(ii) The First Information Report in connection with Crime No.348/2023 registered with Police Station, Washim, District Washim, for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and

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consequent proceeding arising out of it bearing charge sheet No.179/2023, are hereby quashed and set aside to the extent of applicant **No.(1)** Shri. Gajanan s/o Sopan Dhoble, applicant **No.(2)** Sau. Shantabai w/o Gajanan Dhoble and applicant **No.(4)** Prafulla s/o Gajanan Dhoble.

(iii) The prayer of the applicant **No.3** Rohit s/o Gajanan Dhoble for quashing of the proceeding is hereby rejected.

The application stands disposed of.

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

Sarkate.