



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

CRIMINAL APPLICATION (APL) NO.54 OF 2025

1. Rahul s/o Ramesh Zingare (Husband)
Aged : 34 yrs Occu: Private.
2. Chaya w/o Ramesh Zingare (mother-in-law)
Aged 52 yrs., Occu: Housewife

Applicant No.1 to 2 R/o. C-804,
Parishram Park, Near Rose Garden,
Ashram Road, Jahangirpura, Surat (Gujrat).

3. Pawan s/o Ramesh Zingare (brother-in-law)
Aged : 31 yrs., Occu: Private
R/o. Sharad Niwas, Near Nirmal Medical,
Laxmi Nagar, Chandrapur.
4. Rameshwari w/o Prakash Bawande
(sister-in-law)
Aged : 32 years, Occu : Household
R/o. Plot No.56 c/o. Vitthal Koparkar,
Jay Gurudev Nagar,
Manewada, Nagpur.

..... **APPLICANTS**

...V E R S U S...

1. State of Maharashtra, Through
PSO, Mankapur, Nagpur (City),
Nagpur.
2. Smt. Juhi w/o Rahul Zingare,
Age : 30 years, Occu : Private
R/o. 20, Netaji Society Sai Nagar,
Zingabai Takli, Godhani Road,
Nagpur.

..... **NON-APPLICANTS**

Mr. M. V. Rai, Advocate for Applicants.
Mr. A. R. Chutke, APP for Non-Applicant No.1/State.
None for Non-Applicant No.2.

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

DATE OF RESERVING THE JUDGMENT **: 06.05.2025**

DATE OF PRONOUNCING THE JUDGMENT **: 09.06.2025**

ORAL JUDGMENT: **(PER PRAVIN S. PATIL, J.)**

1. Rule. Rule is made returnable forthwith. By consent of the learned counsel for the parties, the matter is taken for final disposal.

2. Present applicants who are charge-sheeted for offence punishable under Section 498-A, 323 and 504 of the Indian Penal Code and Section 4 of Dowry Prohibition Act have questioned the registration of the offence before this Court on the ground that all the allegations levelled by non-applicant no.2 are out of frustration and to entangle all family members in the web of crime. Hence it is prayed that such vexatious complaint, deserves to be quashed and set aside.

3. Per contra, learned Additional Public Prosecutor and non-applicant no.2 strongly opposed the application. According to them, allegations raised by non-applicant no.2 against applicants *prima facie* constitute the offence and therefore, offence registered against applicants cannot be set aside at this stage of matter.

4. Bare perusal of complaint lodged against the present applicants, it is clear that in respect of applicant nos.2 to 4, she has

alleged that they used to taunt her and instigate her husband to cause physical harassment to her. However, in support of her submissions no details such as date, place, time and particulars of any instances are quoted in police complaint.

5. It is also alleged by non-applicant no.2 that in social media, one message/post was circulated against her by applicants. But no details of said post are given in her complaint. Then she alleged that in the marriage of her brother-in-law, she was insulted by the applicants. But again in what manner she was insulted, there are no particulars mentioned in her police complaint. Therefore, only conclusion can be drawn from the allegation of the non-applicant no.2 that they are vague and omnibus.

6. It is stated that, Hon'ble Supreme Court of India in a catena of the cases has held that, for attracting the offence under Section 498-A, the complainant should state specific details such as time, date, place and nature of harassment caused. On the basis of generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. It is also observed by Hon'ble Supreme Court of India that in recent years, it is found that there is a tendency in a matrimonial matter to implicate all the family members of husband without making any allegation and attributing any role to

them. Hence, Court must exercise caution in such cases to prevent misuse of legal provisions and legal process and avoid unnecessary harassment of innocent family members.

In the facts and circumstances of the present case, it will be just and proper to refer the judgment of the Hon'ble Supreme Court of India in the case of ***Dara Lakshmi Narayana & Others v. State of Telangana & another [2024 SCC OnLine SC 3682]***. The Hon'ble Supreme Court specifically observed in this matter as under:

15. An offence is punishable under Section 498A of the IPC when a husband or his relative subjects a woman to cruelty, which may result in imprisonment for a term extending up to three years and a fine. The Explanation under Section 498A of the IPC defines "cruelty" for the purpose of Section 498A of the IPC to mean any of the acts mentioned in clauses (a) or (b). The first limb of clause (a) of the Explanation of Section 498A of the IPC, states that "cruelty" means any wilful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation of Section 498A of the IPC, states that cruelty means any wilful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. Further, clause (b) of the Explanation of Section 498A of the IPC states that cruelty would also include harassment of the woman where such harassment is to coerce 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 to meet such demand.

25. *A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.*

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 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.

7. In the teeth of aforesaid reasons recorded by us and the observations of Hon'ble Supreme Court of India, we are of the confirmed opinion that in the present case, the allegations made by non-applicant no.2 being vague and omnibus, no offence is made out against the applicants under Section 498-A of IPC.

8. In the present case, offence is also registered under Sections 323 and 504 of IPC on the basis of incident dated 28.04.2023. However, in the entire record, there is no supporting evidence to satisfy the pre-requisite of Section 323 and 504 of IPC. Furthermore the complaint is lodged after a delay of five months of the said incident. Hence, we are of the opinion that no offence is made out against applicants under Section 323 and 504 of IPC.

9. In the present case, there is allegation of demand of dowry by the present applicants. However, in the entire complaint there are no allegation of demand of dowry after the marriage. The present non-applicant no.2 in respect of demand of dowry, only made allegation that at the time of marriage, the amount of Rs.50,000/- given to her by her parent was taken back by her husband. But in support of this allegation there is no material available on record. As such allegation being vague and omnibus

no offence is made out under Section 4 of the Dowry Prohibition Act.

10. In the light of aforesaid finding and reasons, the applicants had made out a *prima facie* case for interference in the matter. Hence, we proceed to pass following order:

ORDER

- i. Criminal application is allowed.
 - ii. The First Information Report registered vide Crime No.412/2024 dated 26.09.2024 for the offences punishable under Sections 498-A, 323 and 504 read with Section 34 of the IPC and Section 4 of Dowry Prohibition Act registered with Police Station Mankapur, Nagpur (City), Nagpur is hereby quashed and set aside against the applicants. No order as to costs.
11. Rule is made absolute in aforesaid terms. No order as to costs.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)