



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

CRIMINAL APPLICATION (APL) NO.214 OF 2023

Tanish s/o Abul Kalam Azad

Vs.

State of Maharashtra, through Police Station Officer, Police Station, Sadar
Nagpur City, 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

Mr. Yusuf Jameel Sheikh, Advocate for applicant.
Mr. M. J. Khan, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 27/11/2025

1. Present application is filed by the applicant, who is the brother-in-law of the informant for quashing of the First Informant (for short 'the FIR') in connection with Crime No.503/2021 registered with Police Station, Sadar, Nagpur City, Nagpur for the offence punishable under Sections 408-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and under Section 3 and 4 of the Dowry Prohibition Act, 1961 and the consequent proceeding arising out of the same charge sheet No.34/2022 dated 15.02.2022.

2. Heard learned counsel for the applicant, who submitted that crime is registered on the basis of a report lodged by the informant on an allegation that her marriage was performed with the co-accused Aelish Azad on 27.01.2019. After marriage, she resumed cohabitation. In the marriage, all her in-laws and their relatives were honoured, however, she

was ill-treated for the demand of money as well as for other domestic reasons. She specifically stated the instance that in the month of April 2021, due to the harassment at the hands of the other co-accused, she has suffered by the paralysis and therefore, her left hand and leg was affected, thereafter also there was no change in the behaviour of the other co-accused i.e. her father-in-law, mother-in-law and her husband, but as she was willing to cohabit with them, she undergone all the ill-treatment. She further stated that on 05.11.2021, her father had been to her house, at that time, the present applicant and other-accused assaulted him. On the basis of the said report, police have registered the crime against the present applicant.

3. He submitted that as far as the present applicant is concerned against whom neither there is an allegation that he has either demanded the amount or ill-treated her in any manner physically or mentally. The only allegation against her is that on 05.11.2021, when her father had been to their house, the present applicant has assaulted him by hands. This allegation is also vague and general in nature along with the other co-accused. So, no *prima facie* case is made out against the present applicant. In view of that, the FIR be quashed against him.

4. Per contra, learned APP strongly opposed for the same and submitted that considering the nature of the ill-treatment at the hands of all the family members and the specific allegation against the present applicant that on 05.11.2021, he has assaulted her father, a *prima facie* case is

made out. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers, it reveals that the recitals of the FIR only shows the allegation against the present applicant to the extent that on 05.11.2021, when the father of the informant had been to the house of the present applicant, he has assaulted him by means of a hand. On perusal of the entire FIR, it reveals that the said allegation is along with the names of the other co-accused. Thus, it is general allegation levelled against the present applicant along with the other co-accused. Thus, considering the nature of the allegations, no specific overt act or the act is attributed to the present applicant and there are absolutely no allegations against the present applicant as far as the ill-treatment or the demand of money at his hands are concerned. Thus, on careful scrutiny of the FIR, depicts that vague, general and omnibus allegations are made against the present applicant as far as the ill-treatment is concerned. Considering the nature of the allegations, at this stage, reference can be given to the observations made by the Hon'ble Apex Court in the case of **Preeti Gupta Vs. State of Jharkhand**, reported in **(2010) 7 SCC 667** wherein the Apex Court observed in para. 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.

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 are 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.”

6. It is apparent that the present applicant is implicated in the alleged offence merely because he is the brother of the co-accused, except that there is no specific allegation against him, and therefore, in view of the observation of the Hon'ble Apex Court in the case of **Dara Lakshmi Narayana vs. State of Telangana, MANU/SC/1309/2024**, the Hon'ble Apex Court held that this Court has made it clear 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 amount to an abuse of the process of law.

7. Considering the facts and circumstances of the present case and the nature of the allegations, wherein it reveals that general and vague allegations are levelled against the present applicant and no offence under Sections 498-A, 323, 504, 506 read with Section 34 of the IPC, is made out against the present applicant. There is no allegation that at any point of time he has demanded any amount from the informant, therefore, the offence under Sections 3 and 4 of the Dowry Prohibition Act, 1961, is also not made out. In view of that, the application deserves to be allowed. Accordingly, we proceed to pass following order:

ORDER

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

(ii) The FIR in connection with Crime No.503/2021 registered with Police Station, Sadar, Nagpur City, Nagpur for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and under Section 3 and 4 of the Dowry Prohibition Act, 1961 and the consequent proceeding arising out of the same bearing charge sheet No.34/2022 dated 15.02.2022, is hereby quashed to the extent of the present applicant.

The application is disposed of in the above said terms.

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