



Judgment

530 apl285.23

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

CRIMINAL APPLICATION (APL) NO.285 OF 2023

1. ~~Swapnil Vitthal Shende~~, (Deleted)
aged 33 years, occupation – service,
r/o Uttam Nagar Kiwale,
behind Lekha Farm, Dehu Road, Pune.
2. Subhadra Vitthal Shende,
aged 53 years, occupation – household,
r/o house No.393, Uttam Nagar Kiwale,
behind Lekha Farm, Dehu Road, Pune.
3. Vitthal Tukaramji Shende,
aged 60 years, occupation – private service,
r/o Uttam Nagar Kiwale,
behind Lekha Farm, Dehu Road, Pune.
4. Liladhar s/o Govindrao Kanode,
aged 60 years, occupation – retired,
r/o plot No.110, Uday Nagar Road,
Dudarshan Colony,
Ayodhya Nagar, Nagpur.
5. Shital Padmanath Wanjare,
aged 32 years, occupation – household,
r/o Sr.No.31/C/1, Vithai, Chaudhari Nagar,
Road No.14, Dhanori Taluka – Haveli 411 015.
6. Ramesh Haribhau Dhawande,
aged 60 years, occupation - service,
r/o Dubey Nagar, Hudkeshwar Road,

Nagpur – 440 034.

7. Manoj Devraoji Kanade,
aged 46 years, occupation – service,
r/o plot No.105, Sambhaji Nagar, New
Narsala Road, Nagpur – 440 034.

8. Bandal Janrao Thombre, aged 29 years,
occupation – service, r/o near ITI College,
Mhada Colony, Wardha – 442 001. **Applicants.**

:: VERSUS ::

1. The State of Maharashtra,
through Police Station Incharge,
Rajapeth Police Station, Amravati City.

2. Bhagyashri Chandrakant Vanaskar,
(Bhagyashri w/o Swapnil Shende),
aged 30 years, occupation – service,
r/o Dhanwantari Nagar, Near Dastur Nagar,
Amravati. **Non-applicants.**

Shri A.D.Bhate, Counsel for Applicants.
Shri M.J.Khan, Addl.PP for NA No.1/State.

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

DATE : 19/12/2025

JUDGMENT (Per : Urmila Joshi-Phalke)

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1. Heard learned counsel Shri A.D.Bhate for applicants and learned Additional Public Prosecutor Shri M.J.Khan for the State. **Admit.** Heard finally by consent of learned counsel for parties.

2. The present application is preferred by applicants under Section 482 of the CrPC for quashing of FIR in connection with Crime No.1023/2022 registered under Sections 498-A and 417 of the IPC and consequent proceeding arising out of the same bearing RCC No.2040/2025 pending before learned Chief Judicial Magistrate, Amravati.

3. Applicant Nos.2 and 3 are mother-in-law and father-in-law respectively of non-applicant No.2; applicant No.4 is distant relative; applicant No.5 is sister-in-law; applicant Nos.6 and 7 are distant relatives; and applicant No.8 is friend of husband of non-applicant No.2.

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4. The crime is registered on the basis of a report lodged by non-applicant No.2 (the informant) on allegations that her marriage was performed with applicant No.1 Swapnil (the deceased) and her father has incurred Rs.6.00 lacs for the said marriage. She has further alleged that applicants were present in the marriage and they have not disclosed that the deceased was suffering from “Sickle Cell Anemia” and thereby she is cheated by applicants. She further alleged that applicants were also not treating her well. The amount received by her in the marriage as “gift” was taken by her husband and applicants used the said amount for themselves and thereby she was cheated by applicants as well as she was ill-treated physically and mentally. On the basis of the said report, the police have registered the crime against applicants.

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5. Learned counsel for applicants submitted that as far as allegation, regarding non-disclosure of sickness or ailment of the husband of the informant, is concerned, the same is against the deceased. None of statements either of the informant or relatives of the informant discloses that in-laws have not disclosed the said fact to them. The *omnibus* and general allegations are levelled against applicant Nos.2 and 3 who are in-laws of the informant.

As far as other applicants, i.e. Nos.4, 6 and 7, are concerned, they are distant relatives. There is no reason for them to visit the house of the informant and ill-treat her. Moreover, only reference of their names are given in the FIR. As far as specific role is concerned, the same is not attributed to them.

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As far as applicant No.8 is concerned, he is friend of the husband of the informant, who has no occasion to ill-treat the informant.

Thus, it is apparent that merely because they are relatives, they are implicated in the alleged offence and, therefore, the application deserves to be allowed.

6. *Per contra*, learned Additional Public Prosecutor for the State strongly opposed the said contentions and submitted that allegations itself are sufficient to show that, with an intent to cheat the informant, applicant Nos.2 and 3 have not disclosed the ailment of their son to her and the marriage was performed. Thus, an intention can be gathered from the inception. It is further submitted by him that role attributed to applicant Nos.2, 3 and 5 is to the extent that they have ill-treated the informant for various reasons and also snatched the amount, which she has received by

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way of “gift” in the marriage and the same was used by them for their personal use. Thus, considering the nature of allegations, the application deserves to be rejected.

7. We have heard both the sides and perused the entire investigation papers. A careful scrutiny of the chargesheet shows that statement of the informant shows that allegations against applicants are *omnibus*, stereotype, and vague in nature.

8. At this stage, a reference can be given to definition provided under Section 498-A of the IPC, which requires any willful conduct which is of such a nature as is likely to drive woman to commit suicide or to cause grave injury or danger to life, limb or health either mental or physical of the woman; or 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.

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9. The allegations levelled against applicants show that the same are not as to demand of amount by them. Moreover, the only allegation against them is to the extent that they were ill-treating the informant. This is a vague and general allegation and no specific instances are narrated regarding ill-treatment to her as per her status and, therefore, it is apparent that merely because there was a dispute arose between the husband and wife, the FIR came to be lodged. Now, the husband is reported to be dead.

10. As far as present applicants are concerned, no specific role is attributed to them and that too applicant No.8, who is friend of the husband of the informant, is not within the definition of relative and, therefore, offence under Section 498-A of the IPC is not made out against him.

11. At this stage, a reference can be given to observations made by the Hon'ble Apex Court in the case of **Preeti Gupta and anr vs. State of Jharkhand and anr, reported in (2010) 7 SCC 667**, in paragraph Nos.30, 32 and 34, which are 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 moment over trivial issues without proper deliberations. We came 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 relatives."

12. In another decision in the case of **Kahkashan Kausar @ Sonamand ors. vs. The State of Bihar and ors**, reported in 2022(6) SCC 599, the Hon'ble Apex Court, after taking stock of various decisions rendered by the Supreme Court in the subject matter, observed in paragraph No.17, as under:

"17. The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of Section 498-A of the IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a

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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."

13. In the present case, it is apparent that involvement of applicants appears to be there merely because they are relatives and, therefore, observations of the Hon'ble Apex Court in the case of **Dara Laxmi Narayana vs. State of Telangana, reported in Manu/SC/1309/2024** are relevant wherein it has been made clear that, "family members of husband ought not to be unnecessarily roped into criminal proceeding

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arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between husband and wife”.

14. In view of the above observations and considering that general, omnibus, and vague allegations are levelled against applicants, the application deserves to be allowed. Hence, we proceed to pass following order:

ORDER

(1) The Criminal Application is **allowed**.

(2) FIR in connection with Crime No.1023/2022 registered under Sections 498-A and 417 of the IPC and consequent proceeding arising out of the same bearing RCC No.2040/2025 pending before learned Chief

Judgment

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Judicial Magistrate, Amravati are hereby quashed and set aside to the extent of present applicants.

Application stands **disposed of**.

(NANDESH S.DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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