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

CRIMINAL APPLICATION (APL) NO.244 OF 2024

1. Sau. Shobha W/o Samadhan Wankhede,
Age – 68 Years,
Occupation – Agriculturist. **[Mother-in-law]**
2. Samadhan S/o Baliram Wankhede,
Age – 70 Years,
Occupation : Agriculturist, **[Father-in-law]**
Both 1 and 2 are R/o. Loni Gawali,
Taluka Mehkar, District Buldhana.
3. Sau. Vanita W/o Ravi Garad,
Age – 28 Years, **[Sister-in-law]**
Occupation – Service.
4. Ravi S/o Shiram Garad,
Age – 36 Years, **[Brother-in-law]**
Occupation – Business,
Both 3 and 4 are R/o. Kalyana,
Taluka Mehkar, District Buldhana.
5. Sau. Anita W/o Parasad Chauhan,
Age – 33 Years, **[Sister-in-law]**
Occupation : Housewife.
6. Prasad S/o Ramrao Chauhan,
Age – 38 Years, **[Brother-in-law]**
Occupation : Agriculturist.
Both 5 and 6 are R/o Bhosa,
Taluka Mehkar, District Buldhana.
7. Sau. Sunita W/o Kailash Hone,
Age 35 Years, **[Sister-in-law]**
Occupation - Housewife.
8. Kailash S/o Mahadeo Hone,
Age – 39 Years, **[Brother-in-law]**
Occupation – Agriculturist,
9. Mahadeo S/o Gyanu Hone,
Age – 75 Years, **[Father-in-law]**
Occupation – Agriculturist.
All 7 to 9 are R/o. Thar, Bardapur,

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Taluka Mehkar, District Buldhana.

10. Sangita D/o Samadhan Wankhede,
Age – 36 Years,
Occupation – Nil,
R/o. Loni Gawali,
Taluka Mehkar, District Buldhana.

[Sister-in-law]**.... APPLICANTS****// VERSUS //**

1. State of Maharashtra,
Through Police Station, Chhani,
Akola, District Akola.
2. Sau. Sharddha W/o Nandkishor Wankhede,
Aged – 23 Years,
Occupation – Business,
R/o. C/o. Sheshrao Sukhadev Kachale,
At Post Tulanga,
Taluka Patur, District Akola.

.... NON-APPLICANTS.

Mr. N. R. Tekade, Counsel for the applicants.
Ms. Shamshi Haider, APP for non-applicant No.1/State.

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 03/10/2025**

ORAL JUDGMENT : [Per : URMILA JOSHI-PHALKE, J.]

1. **Admit.**
2. Heard finally with the consent of the learned Counsel for the parties.
3. Present application is preferred by the applicants for quashing of the First Information Report dated 24.11.2023 in connection with Crime No.330/2023 registered with Police Station Chhani, District Akola for the offence punishable under

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Sections 323, 498-A read with Section 34 of the Indian Penal Code.

4. The applicant Nos.1 and 2 are in-laws, applicant Nos.3, 5, 7, 10 are the sister-in-laws, the applicant Nos.4, 6, 8 brother-in-law, applicant No.9 is cousin-father-in-law, approached this Court for quashing of the First Information Report.

5. The crime is registered on the basis of a report lodged by the informant non-applicant No.2 on an allegation that her marriage was performed with one Nandkishor Samadhan Wankhede on 05.04.2021. After marriage, she was ill-treated for the unlawful demand and for domestic reasons. On the basis of the said report, police have registered the crime against the present applicants.

6. Heard learned Counsel for the applicants, who submitted that as far as the present applicants are concerned, the applicant Nos.3 to 10 are residing separately and not residing along with the informant and her husband. Applicant Nos.1 and 2 are the in-laws against whom the omnibus and general allegations are levelled by the informant. As far as the husband is concerned, she has specially stated about the nature of the ill-treatment, but as far as the present applicants are concerned, on careful scrutiny of the FIR shows that vague, general and

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omnibus allegations are made against them regarding ill-treatment for trifle reasons. At this stage, reference can be given to Section 498-A of the 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, 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."

7. Thus, the careful scrutiny of the recitals of the FIR shows that omnibus stereotype allegations are levelled against the applicants as far as the ill-treatment and demand is concerned. 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**

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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.

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."

8. 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:

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"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 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."

9. Learned Counsel for the applicants placed reliance on the recent decision of the Hon'ble Apex Court in the case of **Sanjay D. Jain and Ors. Vs. State of Maharashtra and Ors. in Special Leave Petition (Crl.) No.12584/2024** wherein also the Hon'be Apex Court by considering the catena of decisions observed that " A perusal of the FIR and its consideration in entirety indicates that statements of a general nature have been made therein as against the present appellants." It is further considered that in view of **State of Haryana and Others vs. Bhajan Lal and Others** reported in **1990 INSC 363**, the appellants therein have made out a case.

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10. Similar are the circumstances in the present case also, general and omnibus allegations are levelled against the present applicants. As far as the involvement or the implication of the other relatives are concerned, the reference of the decision of the Hon'ble Apex Court in the case of **Dara Lakshmi Narayana and others vs. State of Telangana and another** reported in **MANU/SC/1309/2024** would be relevant in this case, wherein it has made 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.

11. In view of the above observation in the present case also, except the applicant Nos.1 and 2, the other applicants are residing separately. The dispute is between the husband and wife and due to the dispute, the entire family members appears to have implicated in the alleged offence on the basis of general and

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omnibus allegations. In view of that, the application deserves to be allowed. Accordingly, we proceed to pass following order:

ORDER

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

(ii) First Information Report dated 24.11.2023 in connection with Crime No.330/2023 registered with Police Station Chhani, District Akola for the offence punishable under Sections 323, 498-A read with Section 34 of the Indian Penal Code is hereby quashed to the extent of present applicants.

The application is disposed of in above said terms.

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