



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

CRIMINAL APPLICATION (APL) NO. 154 OF 2025

1. Rahul Punjab Gawai,
Age 40 years, Occu : Police Service,
C/o. Shobha Namdev Jondhale,
Civil Line, Washim, P: Milind Nagar,
At Post. Tq. Patur, Akola & Dist.
Akola.
2. Savita Panjabrao Gawai,
Age – 60 years, Occu. Homemaker,
R/o. Milind Nagar, At Post Patur,
Akola & District : Akola.
3. Suman Rhushikesh Kshirsagar,
Age – 60 years, Occu. Homemaker,
R/o. Panchsli Nagar, Washim Road
by-pass, Akola & District : Akola.

.... **APPLICANTS.**

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1. State of Maharashtra,
through Police Station Officer,
Civil Lines, Akola and
District : Akola.
2. Rita Rahul Gawai,
Age – 33 yrs., Occu. Nil,
R/o. C/o. Laxman Kisan Wankhade,
Near Railway Gate, Godhadi, Akola
& District : Akola.

.... **RESPONDENTS.**

Shri Sayed Salman Ali & Shri F.R.Kashif, Advocates for Applicants.
Shri Ganesh S. Umale, A.P.P. for Respondent No.1/State.
None for Respondent No.2.

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

DATED : MAY 07, 2025.

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard learned counsel for the applicants and the learned A.P.P. for the respondent/State. None for the respondent No.2, though served.

2. **RULE.** Rule made returnable forthwith. Heard by consent of the learned counsel for the parties.

3. By the present application filed under Section 528 of the Bhartiya Nagrik Suraksha Sanhita, 2023, prayer is made to quash and set aside the Charge Sheet No. 295 of 2022, dated 31/03/2022 arising out of First Information Report No.165 of 2022 dated 26/02/2022, registered with Police Station, Civil Lines, Akola City for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and the applicants also prayed for quashing of the proceedings bearing Regular Criminal Case No. 355 of 2022 pending on the file of Judicial Magistrate First Class, Akola.

4. The applicant No.1 is the husband, applicant No.2 is the mother-in-law, applicant No.3 is aunt (father-in-law's sister) of the respondent No.2. If

the allegations made in the report are perused, it is evident that the accused allegedly demanded Rupees Five Lakhs, One Honda Activa Motorcycle. It is alleged that the accused used to say that in the marriage no dowry was given and on the ground of demand of vehicle and the amount the accused used to torture and ill-treat the respondent No.2 physically and mentally.

5. Considering the above referred allegations, it is evident that the allegations are vague and generalized. There is no mention about any specific instance or details about such instance. Furthermore, it is evident that the non-applicant No.2 resided with the applicants for one year after the marriage and thereafter she left their company. In the said backdrop, if the date of complaint is seen, it would be revealed that there is delay of one year. No explanation is offered for such delay in column No.8 of the F.I.R.

6. The Hon'ble Supreme Court of India in the case of *Dara Lakshmi Narayana & Others ..vs.. State of Telangana & Another*, reported in (2024) 12 S.C.R. 559 has held thus :

“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. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. 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.”

7. In the teeth of the above referred observations of the Hon’ble Supreme Court of India, we revert back to the facts of the present case. As we have already observed that the allegations against the applicants are vague and generalized and there is no evidence available to *prima facie* show that there was harassment and ill-treatment to the non-applicant No.2. Thus, considering the scope of Section 498-A of the Indian Penal Code and the nature of the allegations, it is evident that even if the allegations made in the F.I.R. are taken at its face value, no offence constitutes, as alleged against the applicants.

8. Accordingly, we pass the following order :

- i) The Criminal Application is allowed.
- ii) Charge Sheet No. 295 of 2022, dated 31/03/2022 arising out of First Information Report/Crime No.165 of 2022 dated 26/02/2022, registered with Police Station, Civil Lines, Akola City for the offences punishable under Sections 498-A and 34 of

the Indian Penal Code and the consequential proceedings bearing Regular Criminal Case No.355 of 2022 pending on the file of Judicial Magistrate First Class, Akola, are hereby quashed.

Rule is made absolute accordingly.

(PRAVIN S. PATIL, J)

(ANIL S. KILOR, J)

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