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

CRIMINAL APPLICATION (APL) NO.290 OF 2024

1. Lata Raju Gajale,
Aged about 58 Years,
Occupation – Household,
(Mother-in-law)
2. Rahul s/o Raju Gajale,
Aged about 29 years,
Occupation - Private Job
(Brother-in-law)
3. Shweta Rahul Gajale,
Aged about 34 Years,
Occupation : Household work,
(Sister-in-law)

All Resident of Jayant Colony,
Behind Ganpati Mandir,
Amravati,
Tahsil and District Amravati.

.... APPLICANTS

// VERSUS //

1. State of Maharashtra,
Through Police Station Officer,
Police Station Old Kamptee,
Tahsil Kamptee, District Nagpur.
2. Rajani Sumit Gajale,
Aged about 34 years,
Occupation : Nil.,
R/o House No.11,
Kadar Zenda, in front of
Indira High School, Kamptee,
Tahsil and District Nagpur.

.... NON-APPLICANTS.

Mr. Harshwardhan Chawhan, Counsel for the applicants.
Ms. Sneha Dhote, APP for non-applicant No.1/State.
Mr. S. S. Chauhan, Counsel for non-applicant No.2.

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**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. The present application is filed by the applicants, who are mother-in-law, brother-in-law and sister-in-law of the informant for quashing of the First Information Report in connection with Crime No.2/2024 registered with Old Kamptee Police Station, District Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.

4. The crime is registered on the basis of a report lodged by the informant on an allegation that her marriage was performed with Sumit Raju Gajale on 30.01.2020. Her husband was addicted to bad vices like drinking liquor and under the influence of liquor, he used to ill-treat her. It is further alleged that after marriage, within 4 – 5 months, her brother-in-law asked her to stay separately along with her husband and on many occasions, she was abused in filthy language by the present applicants. On the basis of the said report, police have registered the crime against the present applicants.

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5. Heard learned Counsel for the applicants, who submitted that omnibus and general allegations are levelled against the present applicants, no specific instances are narrated. As far as the abuses are concerned, no specific abuses are mentioned in the recitals of the FIR. Now the husband of the informant is already died and the allegations against the present applicants are omnibus in nature. He further submitted that as far as the applicant No.2 is already residing separately, applicant Nos.1 and 3 were residing along with them, but there is no specific allegations levelled against them. No specific instances are narrated day to day wear and tear disputes were there and on that basis, the crime is registered against the present applicants.

6. Learned APP strongly opposed the said application and submitted that the applicants, who are the in-laws, subjected her for ill-treatment. The specific instances are narrated by her and therefore, the *prima facie* case is made out and hence, the application deserves to be rejected.

7. Learned Counsel for the complainant also endorsed the said contention and submitted that after the death of her husband, the applicant No.2 has sold out the property and deprived the non-applicant No.2 from enjoying the said property. There are specific instances narrated by the informant as far as

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the ill-treatment is concerned. In view of that, the application deserves to be rejected.

8. After hearing both sides and on perusal of the recitals of the FIR, it reveals that the allegations are domestic in nature and wear and tear omnibus and general allegations are levelled against the present applicants, without any full particulars about date, place that all the applicants including her husband, ill-treated her or treated with her cruelty with a demand of money. There is no specific allegation regarding any one of the applicants except common and general allegations. This aspect is time and again considered by the Hon'ble Apex Court. 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 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

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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."

9. In the case of **Kahkashan Kausar @ Sonam vs The State of Bihar** reported in **(2022) 6 SCC 599**, wherein also the Hon'ble Apex Court by taking into consideration the various decisions observed as under:

"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."

10. Recently also, this aspect is considered by the Hon'ble Apex Court in the case of **Dara Lakshmi Narayana and others**

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vs. State of Telangana and another reported in **MANU/SC/1309/2024** wherein the Hon'ble Apex Court observed that 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.

11. In the light of the above circumstances and observation of the Hon'ble Apex Court in the present case also as far as the present applicants are concerned, general and omnibus allegations are levelled against them, 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 in connection with Crime No.2/2024 registered with Old Kamptee Police Station, District Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, is hereby quashed to the extent of the present applicants.

The application is disposed of in above said terms.

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