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

CRIMINAL APPLICATION (APL) NO. 440 OF 2023

Dilip s/o Kisanrao Deokate and another
Vs.
State of Maharashtra, through Police Station Officer, Police Station Lohara Yavatmal District Yavatmal 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. S. V. Kulkarni, Advocate for applicants.
Mr. A. J. Gohokar, APP for non-applicant No.1/State.
Mr. M. N. Ali, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE AND NANDESH S. DESHPANDE, JJ.
DATED : 25/11/2025

1. Present application is preferred by the applicants who are the distant relatives of the co-accused Haridas Thite, who is the husband of the non-applicant No.2.

2. This application is filed by the applicants for quashing of the First Information Report in connection with Crime No.126/2022 dated 18.05.2022 registered with Police Station Lohara, Yavatmal District Yavatmal for the offence punishable under Section 498-A read with 34 of the Indian Penal Code (for short 'IPC') and consequent proceeding arising out of the same charge sheet No.151/2022.

3. Heard learned counsel for the applicants, who submitted that the crime is registered on the basis of a report lodged by the non-applicant No.2, on an allegation that her

marriage was performed with the co-accused Haridas Thite in the year 2014. After marriage, she resumed the cohabitation. She is having one daughter from the said wedlock. After marriage, she was not treated well by her husband and another relatives as well as the present applicants, who is the cousin of her husband and applicant No.2 is his wife. They have demanded the amount of Rs.15 Lakhs from her and on that count, she was ill-treated physically as well as mentally and therefore, she constrained to leave the matrimonial house. On the basis of the said report, police have registered the crime against the present applicants.

4. Heard learned counsel for the applicants, who submitted that the applicants are residing at a distance of 150 Km from the house of the informant and her husband. Merely because they are relatives on the basis of general and omnibus allegations, they were implicated as an accused. No specific instances are narrated by the informant that at any point of time they have visited the house of the informant and her husband and demanded the amount. The allegation levelled against the applicants is not substantiated by any material. Therefore, continuation of the proceedings against them would be an abuse of the process of law. In view of that, the application deserves to be allowed.

5. Per contra, learned APP and learned counsel for the complainant strongly opposed the same and submitted that considering the specific allegation levelled against the present applicants, the application deserves to be rejected.

6. On hearing both sides and on perusal of the investigation papers, it reveals that except the general allegation, no specific instances are narrated as far as the role of the present applicants is concerned. Admittedly, they are not the family members of the informant and her husband, but they are distant relatives of the husband of the non-applicant No.2 and residing at a different place at a distance of 150 Km from the house of the informant and her husband.

7. Section 498-A of the IPC prescribes punishment where a woman is subjected to cruelty by her husband or his relatives. The offence is punishable with imprisonment for a term which may extend to three years and also provides for fine. The Explanation appended to the provision defines "cruelty" in two parts. Clause (a) refers to 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 her life, limb or health, whether mental or physical. Clause (b) expands the scope of the term to include harassment with a view to coercing the woman or her relatives to meet any unlawful demand for property or valuable security, or on account of failure to meet such demand.

8. On perusal of the allegations, nowhere the case is made out to show that the harassment was of such a nature as likely to drive her to commit suicide or to cause grave injury or danger to life, limb or health. The baseless and general allegations appear to be there, as far as the present applicants are concerned.

9. In view of the observations of 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.*
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> *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.*
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> *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."*

10. In **Kahkashan Kausar Vs. State of Bihar reported in (2022) 6 SCC 599**, the Supreme Court after taking stock of various decisions, rendered by the supreme Court in the subject matter, observed in para. 17 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."

11. In the case of **Dara Lakshmi Narayana vs. State of Telangana,** reported in **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.

12. In the light of the above said observation of the Hon'ble Apex Court and considering the role attributed to the present applicants, no *prima facie* case is 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 First Information Report in connection with Crime No.126/2022 dated 18.05.2022 registered with Police Station Lohara, Yavatmal District Yavatmal for the offence punishable under Section 498-A read with 34 of the Indian Penal Code and consequent proceeding arising out of the same charge sheet No.151/2022, is hereby quashed and set aside to the extent of present applicants.

The application is disposed of in the above said terms.

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

Sarkate