



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

CRIMINAL APPLICATION (APL) NO.318 OF 2024

MANOJ MOHAN MESHAM AND 6 OTHERS

VS

THE STATE OF MAHARASHTRA THR. PSO SHIRKHED AMRAVATI
 (RURAL) DIST.AMRAVATI AND ANOTHER

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.*

Court's or Judge's order

Mr. Atharva Manohar, Advocate for Appellants.

Mr. A.R. Chutke, APP for the non-applicant No.1/State

None for the non-applicant No.2

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

DATE : 09th APRIL, 2025

1. Heard.
2. The applicants, who are seven in numbers, have approached to this court by filing the present application under Section 482 of the CrPC for quashing and setting aside the charge-sheet No.92 of 2023 dated 27.11.2023, arising out of the First Information Report (FIR) No.315 of 2023 dated 12.09.2023, registered with police station Shirkhed, Amravati (Rural) for the offences punishable under Sections 498A, 504, 506 and read with Section 34 of the IPC.
3. It is the case of the prosecution that on 12.09.2023 the non-applicant No.2 lodged the complaint against the applicants, alleging the harassment and ill-treatment at the hands of the applicants.
4. The applicant No.1 is the husband, the applicant

No.2 is the mother-in-law, the applicant No.3 is the sister-in-law, the applicant No.4 is the brother-in-law, the applicant No.5 is the sister-in-law, the applicant No.6 is the sister-in-law and the applicant No.7 is the husband of the sister-in-law of the non-applicant No.2/informant.

5. In the complaint, it is alleged by the non-applicant No.2 that after her marriage with the applicant No.1, she used to reside with her husband, mother-in-law and sister-in-law Sangita. It is stated in the complaint that initially, they treated the complainant properly. However, after 15 days of marriage, the applicant No.1 asked the complainant to bring Rs.10 Lakhs from her parents for new business. The applicant No.1 alleged to have stated to her that because he had to close down his business, he wants to start new business. It is alleged that on this count, she was constantly asked to bring Rs.10 Lakhs from her parents.

6. It is further alleged that the applicant Nos.2 to 7 also used to ill-treat and harass the complainant on one or the other ground, including the demand of Rs.10 Lakhs. Accordingly, the FIR came to be registered against the applicants.

7. The Investigating Officer, during the investigation, recorded the statements of the witnesses, including the statements of neighbours. The charge-sheet came to be filed on 27.11.2023, which is under challenge in the present proceeding.

8. We have heard the learned counsel for the applicant and the learned APP. None for the respondent No.2, though served.

9. The learned counsel for the applicants argues that the complaint lodged by the non-applicant No.2 is manifestly frivolous and vexatious. It is submitted that it is instituted with an ulterior motive of wreaking vengeance.

10. He further submits that the whole family members of the applicant No.1 have been roped into with an intention to harass them. He submits that since the intention of the complainant is clear i.e. to harass the husband and his family members, this is a fit case for quashing the charge-sheet.

11. He further submits that even the allegations made in the FIR are looked into, it can be seen that the allegations are vague and general and there is no sufficient evidence even to *prima facie* show the complicity of the applicants in the alleged offence. He further submits that this Court may quash the charge-sheet in question. To substantiate his submission, he has placed reliance on the judgments of the Hon'ble Supreme Court of India, in the cases of *Achin Gupta Vs. State of Haryana & Anr.*¹ and *Dara Lakshmi Narayana vs The State Of Telangana*².

12. On the other hand, the learned APP strongly opposed the application and submits that if the allegations

¹ 2024 SCC OnLine 759

² [2024] 12 S.C.R. 559

made in the FIR are taken on its face value, since the offence constitutes against the applicants, this is not a fit case for quashing the charge-sheet. He accordingly, prays for dismissal of the present application.

13. In light of the rival submissions, we have perused the charge-sheet. However, before advertng to the fact of the present case, it will be beneficial to reiterate the well settled principles of law relating to such matter.

14. The Hon'ble Supreme Court in the case of *Achin Gupta* (supra) has held thus:

“31. ... If the Court is convinced by the fact that the involvement by the complainant of her husband and his close relatives is with an oblique motive then even if the FIR and the chargesheet disclose the commission of a cognizable offence the Court with a view to doing substantial justice should read in between the lines the oblique motive of the complainant and take a pragmatic view of the matter. If the submission canvassed by the counsel appearing for the Respondent No. 2 and the State is to be accepted mechanically then in our opinion the very conferment of the inherent power by the Cr.P.C. upon the High Court would be rendered otiose. We are saying so for the simple reason that if the wife on account of matrimonial disputes decides to harass her husband and his family members then the first thing, she would ensure is to see that proper allegations are levelled in the First Information Report. Many times the services of professionals are availed for the same and once the complaint is drafted by a legal mind, it would be very difficult thereafter to weed out any loopholes or other deficiencies in the same. However, that does not mean that the Court should shut its eyes and raise its hands in helplessness, saying that whether true or false, there are allegations in the First Information Report and the chargesheet papers disclose the commission of a cognizable offence. If the allegations alone as levelled, more particularly in the case like the one on hand, are to be looked into or considered then why the investigating agency thought fit to file a closure report against the other

co-accused? There is no answer to this at the end of the learned counsel appearing for the State. We say so, because allegations have been levelled not only against the Appellant herein but even against his parents, brother & sister. If that be so, then why the police did not deem fit to file chargesheet against the other co-accused? It appears that even the investigating agency was convinced that the FIR was nothing but an outburst arising from a matrimonial dispute.”

32 to 34. (***)

35. *In one of the recent pronouncements of this Court in Mahmood Ali & Ors. v. State of U.P & Ors., 2023 SCC OnLine SC 950, authored by one of us (J.B. Pardiwala, J.), the legal principle applicable apropos Section 482 of the CrPC was examined. Therein, it was observed that when an accused comes before the High Court, invoking either the inherent power under Section 482 CrPC or the extraordinary jurisdiction under Article 226 of the Constitution, to get the FIR or the criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then in such circumstances, the High Court owes a duty to look into the FIR with care and a little more closely. It was further observed that it will not be enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines.”*

15. It is also beneficial to refer to the judgment of the Hon’ble Supreme Court, in the case of ***Dara Lakshmi Narayana*** (supra), which reads thus:

“28. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has

been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

*29 to 30. (***)*

31. Further, this Court in Preeti Gupta vs. State of Jharkhand (2010) 7 SCC 667 held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment by the husband's close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection."

16. From the above referred observations of the Hon'ble Supreme Court, it is evident that if the Court is convinced by the fact that the involvement by the complainant of her husband and his close relatives is with an oblique motive then even if the FIR and the chargesheet disclose the commission of a cognizable offence, the Court with a view to doing substantial justice should read in between the lines the oblique motive of the complainant and take a pragmatic view of the matter.

17. It is further evident that to get the FIR or the criminal proceedings quashed, essentially on the ground

that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then the Court owes a duty to look into the FIR with care and a little more closely.

18. In the teeth of the above referred well settled principles of law, we perused the charge-sheet and the material collected during the investigation. After giving a close look at the material to find out whether there is any oblique motive, we are of the opinion that *prima facie* the case is made out against the applicant No.1, whereas, against the relatives of the husband, the complaint appears to be frivolous.

19. We say so because in the complaint, there is a specific allegation made by the complainant that because her husband was to close down his business, owing to its failure, from the 15th day of marriage, he started to demand Rs.10 Lakhs from the complainant, to start new business. A specific time is mentioned in the complaint, when the first demand was made. The said demand was thereafter, continued and non-fulfillment of it was the cause to inflict cruelty on the complainant by the husband.

20. To further verify this fact, a query was put to the learned counsel for the applicants about the occupation of the husband of the complaint, thereupon, he fairly states that he was doing a business and recently he had to close down his business owing to failure in the same. Thus, one

thing is clear that to the extent the time period when the first demand was made and the reason for such demand there are sufficient allegations and this has been fortified by the statement recorded under Section 161 of the CrPC of neighbour Sau. Vandana Kailash Nagdewate. She has categorically stated in the statement that there was a constant demand of Rs.10 Lakhs from the complainant.

21. Furthermore, in the complaint made to the Bharosa Cell, there is reiteration of the said fact. Thus, there is *prima facie* sufficient evidence to establish and to show the complicity of the applicant No.1 as regards the harassment and ill-treatment meted out by him to the informant, for not fulfilling the demand of Rs.10 Lakhs to start new business.

22. The learned counsel for the applicants submits that after leaving the house of the husband by the complainant, there was a meeting of the family members of the both applicant No.1 and the non-applicant No.2 and after the said meeting, the complainant cohabited with the applicant no.1 for four to five days. It is submitted that this fact falsifies the case of the non-applicant No.2.

23. In fact, in the statement of Smt. Uma Ashokrao Ingle, there is a mention of meeting of family members of both sides and also there is a mention that after the said meeting, the informant went back to her matrimonial house and she stayed there for four to five days. However, she came back

because the applicants again demanded Rs.10 Lakhs.

24. The learned counsel for the applicants further tried to point out certain contradictions in the statements recorded by the Investigating Officer under section 161 of the CrPC. Even those contradictions are considered, the fact remains that there was a demand for money made by the husband of the complainant. As far as certain minor contradictions are concerned, at this stage, these contradictions are not sufficient to say that the complaint is frivolous against the husband.

25. In the circumstances, we do not find any merits as far as the case against the applicant No.1 is concerned.

26. As far as the applicant no.2 is concerned, she is more than 70 years old lady and the applicant Nos. 4 to 7 never stayed with the complainant. Moreover, the allegations against them are vague and general.

27. Thus, considering the fact that the generalized accusation has been made, without any sufficient evidence on record.

28. Thus, considering the law discussed herein above, as laid down by the Hon'ble Supreme Court, in the case of *Achin Gupta* (supra) and *Dara Lakshmi Narayana and others* (supra), we are of the opinion that the case is made out for quashing the charge-sheet against the present applicant Nos.2 to 7 only. Accordingly, we pass the following order:

- (i) The Criminal Application is rejected against the applicant No.1
- (ii) The Criminal Application is allowed against the applicant Nos.2 to 7.
- (iii) The charge-sheet No.92 of 2023 dated 27.11.2023, arising out of the First Information Report (FIR) No.315 of 2023 dated 12.09.2023, registered with police station Shirkhed, Amravati (Rural) for the offences punishable under Sections 498A, 504, 506 and read with Section 34 of the IPC, is hereby quashed and set aside qua the applicant Nos.2 to 7 only.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)