



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

CRIMINAL APPLICATION (APL) NO. 408 OF 2021

(Nitin Madhukar Jadhav & Ors.

Vs.

State of Maharashtra, Thr. PSO, Police Station Mangrulpir, District
Washim & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.S. Kurekar, Advocate for the Applicants.

Mr. N.H. Joshi, APP for the Non-applicant No.1/State.

**CORAM: URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**

DATED : 6th OCTOBER, 2025

1. The present Application is preferred by the Applicants for quashing of the FIR in connection with Crime No.67/2021 registered with Police Station, Mangrulpir, District Washim under Sections 498-A, 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No. 298/2022 pending before the Judicial Magistrate First Class, Mangrulpir.

2. Heard learned Counsel for the Applicants, who submitted that except the Applicant No.1 all other are the relatives of the husband who are implicated with false and baseless allegations and no specific instances are narrated by the Informant as far as the allegations are concerned. He submitted that, merely because they are the relatives of the husband they are implicated in the alleged offence. Even if they are forced to face the trial, the prosecution would not be in a position to prove the charges against the present

Applicant Nos. 2 to 8. In view of that, the FIR against them deserves to be quashed.

3. Learned APP strongly opposed the same and invited our attention towards the FIR and submitted that there are specific allegations as far as the in-laws and sister-in-law are concerned, and therefore, *prima facie* case is made out against the Applicants. In view of that, the Application deserves to be rejected.

4. On hearing both the sides and on perusal of the recitals of the FIR, it reveals that the marriage between the Informant and the Applicant No.1 was performed on 27.04.2018. After marriage she resumed cohabitation at the house of the present Applicants. As far as the Applicant Nos. 3 to 8 are concerned, admittedly they are distant relatives and residing separately. The Applicant No.4 is concerned, who is the sister of the Applicant No.1 and against her also the general allegations are levelled by the Informant. A careful scrutiny of the FIR shows that vague, general and omnibus allegations are made against the Applicant Nos. 2 to 8 are concerned. Though one incident is stated by the Informant as to the allegation against the Applicant Nos.2 to 4 are concerned. At this stage, it would not be appropriate to comment on that but considering the nature of the allegations, admittedly it is the general allegation levelled against them and no particulars of such allegations are given by the Informant.

5. At this stage, reference can be given to Section 498-A of IPC, which reads as under:

“498A. 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.”

6. The Hon’ble Apex Court in the case of ***Kahkashan Kausar Vs. State of Bihar, reported in (2022) 6 SCC 599***, by considering the various decisions, rendered by the Hon’ble Apex 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.”

7. The tendency of implicating all the relatives is also commented by the Hon’ble Apex Court in the case of ***Dara Lakshmi Narayana & Ors. Vs. State of Telangana & Ors., MANU/SC/1309/2024***, wherein it is held 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.

8. In the present matter also it is apparent that as the dispute arose between the spouses the FIR came to be lodged after two years of the marriage. Considering the nature of the allegations, the Applicant Nos. 2 to 8 have made out the case for quashing of the FIR. As far as the Applicant No.1 is concerned, against whom there are specific allegations, and therefore, the prayer of Applicant No.1, deserves to be rejected. Accordingly, we proceed to pass the following order.

ORDER

- i. The Application is **partly allowed**.
- ii. The prayer of the Applicant No.1 for quashing of the FIR, is hereby rejected.
- iii. The prayer of the Applicant Nos. 2 to 8 for quashing of the FIR in connection with Crime No. 67/2021 registered with Police Station, Mangrulpir, District Washim under Sections 498-A, 506 read with Section 34 of the Indian Penal Code and consequent proceeding i.e. R.C.C. No. 298/2022 pending before the Judicial Magistrate First Class, Mangrulpir, is hereby quashed and set aside.

The parties to bear their own costs.

9. Pending application/s, if any, shall stand disposed of accordingly.

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