



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

CRIMINAL APPLICATION [APL] NO. 415 OF 2021

1. Salma Bi Kadir Sheikh
Aged about 42 years,
Occupation-Household
R/o. Rahemat Nagar, Pusad,
Yavatmal.
 2. Rahin Syed Syed Ishaque
Age 25 years, Occ : Household
R/o. Rahemat Nagar, Pusad,
Yavatmal.
 3. Shahina Sheikh Jakir Sheikh
Age 35 years, Occ : Household
R/o. God Wadsa, Tah. Mahur,
Nanded.
 4. Amena Bi Ahmed Sheikh
Aged 38 years, Occ : Household
R/o.Wakodi Sawna, Tah. Pusad,
Yavatmal.
- .. Applicants

.. Versus ..

1. The State of Maharashtra,
PSO, PS, Digra, Yavatmal.
 2. Asfiya Saba Syed Ibrahim
Aged 25 years,
R/o. C/o. Wahid Khan Hamid Khan
Ambedkar Square, Digra,
District-Yavatmal.
- .. Non-Applicants

Shri M.N. Ali, Advocate for Applicants.
Shri G.S. Umale, APP for Non-Applicant No.1/State.
Shri P.W. Mirza Advocate for Non-Applicant No.2.

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CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.
DATED : 28th APRIL, 2025.

JUDGMENT [PER : Pravin S. Patil, J.]

1. **Rule.** Rule made returnable forthwith. By consent of the learned Counsel for parties, the matter is taken up for final disposal.
2. By this application, the applicants are seeking to challenge the proceeding of Regular Criminal Case No.85/2020 pending before the learned Judicial Magistrate, First Class, Digras, District-Yavatmal arising out of Chargesheet No.72/2020 dated 01.10.2020 for the offence registered under Section 498-A r/w 34 of the Indian Penal Code.
3. In short, the case of the prosecution is that the non-applicant no.2 on 01.01.2020 lodged a police complaint in which it is stated that after marriage was solemnized of her

with accused no.1 on 15.07.2018, present applicants, who are the sisters of her husband, started harassment to her on the count that she is not a good looking wife and failed to bring expected dowry in the marriage. It is further alleged that when she had some health problem, no one looks after her or gave her proper medical treatment. It is stated that during her stay at matrimonial house, applicants instigated her husband to physically harass her. As such, on the basis of these allegations, the first information report came to be registered vide Crime No.01/2020 for the offence punishable under Section 498-A r/w 34 of the Indian Penal Code.

4. The main ground for quashment of criminal proceeding is that the allegations are of vague and omnibus in nature. It is submitted that only with a view to falsely implicate all the family members in criminal offence without making any specific allegations they were roped in this offence. Hence, they sought indulgence of this court to quash and set aside the criminal proceeding registered against them.

5. Learned Additional Public Prosecutor and learned counsel for the non-applicant no.2 strongly opposed the

application stating that during her stay from 15.07.2018 to 27.12.2019, she was subjected to harassment by applicants by one way or the other, therefore, no interference is warranted in this matter. Accordingly, prayed for rejection of application.

6. We have heard the respective counsels and also perused the entire record produced before us. In the present matter, it is not disputed that the present applicants are sisters-in-law of the non-applicant no.2. The applicant nos.1 to 3 are married sisters and residing at different places. Applicant no.4 is unmarried sister-in-law. It is further clear from the record that the allegations made by the non-applicant no.2 against the present applicants are vague and general in nature. Non-Applicant No.2, while making allegation of ill-treatment and harassment against the present applicants, nowhere stated the date, time, place and nature of harassment etc. which would demonstrate prima facie that she was harassed at the instance of the applicants. Hence, in absence of such details, no offence is made out against the present applicants.

7. In the present case, the allegations do not satisfy the pre-requisites that she was subjected to such a cruelty to drive

her to commit suicide or to cause grave injury or danger to life. On the contrary, allegations against the applicants are of instigation only. Non-Applicant No.2 has not provided any specific details nor described any particular instance of harassment due to instigation of applicants.

8. It is admitted fact that applicant nos.1 to 3 are married sisters of husband. They are residing with their respective family. Hence, mere reference of their names without attributing any role can't be the basis to drag them into criminal prosecution and same would be amount to abuse the process of law in absence of specific allegation made against each of them.

9. Hon'ble Supreme Court of India in the case of ***Dara Lakshmi Narayana and others .vs. State of Telangana***, reported in ***2024 SCC Online SC 3682***, while considering somewhat identical issue observed 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.

30. In the above context, this Court in [G.V. Rao vs. L.H.V. Prasad](#), (2000) 3 SCC 693 observed as follows:

“12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case.

There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their “cases” in different courts.”

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.

10. In the circumstances, we are of the considered opinion that the allegations against the present applicants are vague and general in nature. There are no specific mention of details such as date, place and time etc. It is clear from the record that with an ulterior motive and tendency to rope all family members in criminal proceeding where matrimonial dispute is involved, the present applicants seems to be added as co-accused without any allegations against them. Hence, the present application deserves to be allowed. Hence, we proceed to pass the following order :

O R D E R

- (i) Criminal Application is allowed.
- (ii) The proceeding of Regular Criminal Case No.85/2020 pending on the file of the learned Judicial Magistrate, First

Class, Digras, District-Yavatmal arising out of Chargesheet No.72/2020 dated 01.10.2020 for the offence registered under Section 498-A r/w 34 of the Indian Penal Code, is hereby quashed and set aside.

11. Rule is made absolute in the above terms.

(Pravin S. Patil, J.)

(Anil S. Kilor, J.)