



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

CRIMINAL APPLICATION (APL) NO. 379 OF 2022

Shridhar Buchannaji Katratwar and Ors.

Vs.

State of Maharashtra, Thru. PSO, PS Ramnagar, Chandrapur and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. V.N. Morande, Advocate for applicants.

Mr. Sagar Ashirgade, Addl. PP for non-applicant No.1/State.

Ms. Kirti Satpute, Advocate for non-applicant No.2.

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

DATE : 03.04.2025.

Heard.

2. The applicants have been charge-sheeted under Section 498-A read with Section 34 of the Indian Penal Code along with co-accused Vishal Shridhar Katratwar, who is the son of applicant No.1– Shridhar Bucchannaji Katratwar. The FIR was lodged by the non-applicant No.2, who is the daughter-in-law of the applicant Nos.1 and 2 and sister-in-law of the applicant No.4.

3. The oral report dated 07.12.2020 shows that the accused No.1 performed marriage with the non-

applicant No.2 on 19.04.2017 at Chandrapur and out of the said wedlock they have a daughter. It is alleged that after marriage the accused No.1 treated nicely the non-applicant No.2 for three to four months and thereafter, he ill- treated her physically and mentally. It is further alleged that two years prior to the lodging of the report, the husband of the non-applicant No.2 left the house and thereafter, the applicants herein started ill-treating the non-applicant No.2 and used to demand money from the non-applicant No.2. It is alleged that since she failed to fulfill the demand of money made by the applicants, they had driven her out of the house. The complaint further states that six months before the lodging of the report, her husband came back. Thereafter, the husband gave a threat to the non-applicant No.2 that if she doesn't bring the money from her parents, he would not allow her to stay with him. Accordingly, the crime was registered and after investigation charge-sheet is filed.

4. We have heard the learned counsel for the respective parties.

5. Mr.Morande, learned counsel for the applicants states that the complaint is false and the same is filed out of vengeance. He has drawn attention of this Court to the missing report to point out that the non-applicant No.2 and her husband used to stay at her parents

house and even from the address mentioned in the missing report and the contents of the missing report, the said fact can be gathered.

6. On the other hand, the learned APP and learned counsel for the non-applicant No.2 strongly opposed the application and according to them, if the allegations made in the FIR are taken on its face value and are taken as true, the alleged offence constitutes against the applicants. It is, therefore, prayed that since there is no merit in the present application, the same may be rejected.

7. Before adverting to the facts of the present case, it will be appropriate and beneficial to refer to the judgment of the Hon'ble Supreme Court of India in the case of *Dara Lakshmi Narayana and Others vs. State of Telangana and another*, reported in 2024 SCC Online SC 3682, it is held thus:

“25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the

legal process and avoid unnecessary harassment of innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.”

8. From the above referred observations, it is evident that there is often a tendency to implicate all the members of entire family when domestic dispute arises out of matrimonial discord. Such generalised and sweeping accusation unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Therefore, the Hon'ble Supreme Court has observed that the Court in such matters must exercise caution to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members.

9. In view of the above referred observations, if the facts of the present case are considered, it is evident that the non-applicant No.2 has changed her version and it appears that to victimize the applicant they have been unnecessarily roped into the alleged offence. This is so because the missing report filed along with the charge-sheet shows that the same was made on 24.08.2019. The

address given of the non-applicant No.2 in the said missing report shows that at the relevant time she was residing at her parents' house. Para 1 or it shows that even her husband alongwith her used to stay at her parents house till the date, he went missing. The said report does not suggest or indicate that at any time after the marriage, the non-applicant No.2 stayed with the in-laws or there was any harassment or ill-treatment meted out to her.

10. However, in the oral report dated 07.12.2020, it is mentioned by the non-applicant No.2 that since beginning she was staying with the in-laws. If the contents of missing reports and the FIR are considered, it is evident that the non-applicant No.2 has improvise her case. In the circumstances, having noticed that the possibility to drag the applicants in the alleged offence to victimize is *prima facie* evident, we are of the opinion that, this is a fit case for quashing and setting aside the charge-sheet as well as the Regular Criminal Case No.566/2021 pending before the learned Judicial Magistrate First Class, Chandrapur.

11. Accordingly, the criminal application is allowed in terms of prayer clause (1).

(Pravin S. Patil, J.)

(Anil S. Kilor, J.)