



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

CRIMINAL APPLICATION (APL) NO. 328 OF 2024

[Smt. Kiran W/o Purushottam Gadail (mother in law) and ors. **vs.**
The State of Maharashtra, through P.S.O., P.S. Rajapeth, Dist. Amravati and anr.]

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

Court's or Judge's orders

Mr. A. R. Prasad, Advocate for the applicants
Mr. K. R. Lule, APP for the State/non-applicant no. 1
Mr. S. B. Gandhe, Advocate for non-applicant no. 2

CORAM: ANIL L. PANSARE AND
M. M. NERLIKAR, JJ.

DATED : 26-08-2025.

Heard.

2. The non-applicant no. 2 has lodged First Information Report (FIR) under Sections 498-A, 504 and 506 read with Section 34 of the Indian Penal Code (IPC) against the applicants of whom, applicant no. 1 is mother-in-law, applicants nos. 2 and 4 are sister-in-laws and applicant nos. 3 and 5 are brother-in-laws of non-applicant no. 2.

3. As could be seen, the report is not lodged against the husband of non-applicant no. 2.

4. Having heard both sides and having gone through the material placed before us, it appears that the real cause of the dispute is death of father-in-law of non-applicant no. 2. He expired in the year 2019 leaving behind multiple properties. As such, the non-applicant no. 2 got married in May, 2015 and the relations were cordial till the death of her father-in-law. The applicant no. 1, in September, 2019, lodged report against the husband of non-applicant no. 2 saying that he is harassing the applicants on the count of distribution of properties. It further appears that there were multiple reports lodged by the

applicant no. 1 against her son i.e. non-applicant no. 2's husband. Thereafter in the year 2023 i.e. after about four years, the non-applicant no. 2 lodged the present FIR alleging therein that the applicant are abusing her and her husband on the count of distribution of property. The other applicants are instigating applicant no. 1. They abused non-applicant no. 2's husband on phone as well. Thus, the grievance as put forth through FIR is, in substance, about harassment by applicants on the point of distribution of property belonging to the father-in-law of non-applicant no. 2, who was otherwise husband of applicant no. 1 and also father of applicant nos. 2 and 4.

5. If the contents of FIR are taken at its face value, none of the ingredients of Section 498-A of IPC are made out. The cruelty as spelt out under two explanations of Section 498-A will require creation of the circumstances of such a nature that would drive the woman to commit suicide and/or to cause grave injury or danger to life, limb or health. The second explanation to cruelty is harassment of a woman for the purpose of any unlawful demand for any property or valuable security.

6. In the present case, the FIR does not spell out the cruelty as envisaged under Section 498-A of IPC. That being so, the continuation of investigation and prosecution would only amount to abuse of process of law. In other words, this is a fit case where jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 should be invoked. Accordingly, we allow the application in terms of prayer clause (ii) which reads as under :-

“ii) Quash and set aside the First Information Report no. 0892/2023 dated 10/10/2023 for the offence punishable under section 498-A, 504, 506 read with 34 of Indian Penal Code registered at Police Station -

*Rajapeth, District-Amravati against the applicants,
which is at Annexure-A2, in the interest of justice.”*

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)

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