



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

CRIMINAL APPLICATION (APL) NO. 614 OF 2024

Jagannath s/o Dagduji Bharsakle and ors.

Vs.

State of Maharashtra, Thru. PSO, PS Khadan, Akola 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. Amol G. Hunge, Advocate for applicants.

Ms. Sneha Dhote, APP for non-applicant No.1/State.

**CORAM : URMILA JOSHI PHALKE, AND
PRAVIN S. PATIL, JJ.**

DATE : 04.12.2025

Despite the service of notice,
non-applicant No.2 has not appeared.

2. The present application is preferred by the applicant for quashing of the First Information Report in connection with Crime No.391/2023 registered under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of same bearing RCC No.335/2024 pending in the Court of 3rd Jt. Judicial Magistrate First Class, Akola.

3. The applicant Nos.1 & 2 are the in-laws and applicant No.3 is the husband. The First Information Report is lodged by the non-applicant No.2 on an allegation that her marriage was performed with the applicant No.3 on 06.04.2022. The expenses of the marriage are incurred by her parents. After marriage, she resumed the cohabitation but she was ill-treated by the present applicants, by stating that, they have not given proper respect in the marriage and no dowry was paid, and therefore, demand of Rs.1,50,000/- was made by them from her parents. She further alleged that on 30.05.2022, she was beaten by the applicant No.3 and on various occasions he has assaulted her and thus, physically and mentally ill-treated her. On the basis of the said report, Police have registered the crime against the present applicants.

4. Heard learned counsel for the applicants, who submitted that the non-applicant No.2 was earlier married, this fact is concealed from the present applicants at the time of marriage.

5. He has also invited our attention towards the NC report which is lodged by the non-applicant No.2 against her father as her father has opposed her love marriage. He submitted that the entire

statements of the witnesses which are recorded during the investigation shows that general and omnibus allegations are levelled against the present applicants, mainly because her marriage was performed with the applicant No.3 against the consent of applicant No.1, she was not willing to cohabit with the present applicant No.3, and due to vague, false and baseless allegations this FIR came to be lodged against them. Considering no *prima facie* case is made out against the present applicants, the application deserves to be allowed.

6. The learned APP strongly opposed for the same and submitted that considering the specific instances are narrated by the non-applicant No.2, *prima facie* case is made out and hence the application deserves to be rejected.

7. On hearing both the sides and on perusal of the entire investigation papers which reveals that initial marriage of the non-applicant No.2 was performed with another person. The NC lodged by her also shows that the said marriage was opposed by her father, and therefore, she lodged the FIR against her father. Subsequently, the marriage was performed with the present applicant No.3 in April 2022. After marriage as per allegations she was

ill-treated physically as well as mentally by demanding the amount. On considering the entire recitals of the FIR, it reveals that as far as the applicant Nos.1 and 2 are concerned, omnibus, baseless and general allegation is levelled as to the ill-treatment and their demand of the money. As far as the applicant No.3 is concerned, she has narrated the specific instance that he has beaten her by demanding money and physically and mentally ill-treated her.

8. Considering the nature of allegation against applicant Nos.1 and 2 which apparently is general and vague in nature. At this stage, reference can be given observations made by the Hon'ble Apex Court in the case of ***Preeti Gupta Vs. State of Jharkhand***, reported in ***(2010) 7 SCC 667***, wherein the Hon'ble Court has observed as follows :

"It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

It is a matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed

with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.”

9. In the light of the above observation of the Hon'ble Apex Court, in the facts of the present case are taken into consideration, it is apparent that due to the discord between the matrimonial relationship between the husband and wife, the FIR came to be lodged by the present non-applicant No.2, as far as the involvement of the applicant Nos.1 & 2 are concerned which appears to be their due to the fact that they are related to the husband i.e. the applicant No.3. Merely because, they are parents of the applicants No.3 their involvement is there.

10. This recurring tendency is also addressed by the Hon'ble Apex Court in the case of ***Dara Lakshmi Narayana and Ors. Vs. State of Telangana and Ors., MANU/SC/1309/2024*** wherein the Hon'ble Apex Court *has made it clear 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.

11. In view of the above observations of the Hon'ble Apex Court and considering the allegations levelled against the present applicants. The application deserves to be allowed partly.

12. In view of the above observations and applying the same to the facts of the present case, admittedly, no *prima facie* case is made out against the applicant Nos.1 and 2. Therefore, we proceed to pass the following order :

ORDER

(i) The application is allowed partly.

(ii) The First Information Report in connection with Crime No.391/2023 registered under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the subsequent proceeding

arising out of same bearing RCC No.335/2024 pending in the Court of 3rd Jt. Judicial Magistrate First Class, Akola, is hereby quashed and set aside to the extent of the applicant No.1 – Jagannath s/o Dagduji Bharsakle and applicant No.2 – Sau. Nirmalabai w/o Jagannath Bharsakle.

(iii) The prayer of the applicant No.3 for quashing of the FIR, is hereby by rejected.

(iv) The application is disposed of in the above said terms.

(PRAVIN S. PATIL, J.)

(URMILA JOSHI PHALKE, J.)