



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**CRIMINAL APPLICATION NO.550 OF 2023**

1. Ajinkya Dilip Raut, aged 32 years, Occ. Service, R/o Survey no. 84/3/10, Plot No. 7, Lane No. 3, Pawar Wasti, New Dr. Kumar Clinic, Lohgaon Tq. Haveli, District Pune.

... APPLICANT

**VERSUS**

1. State of Maharashtra, through Police Station Officer, Hudkeshwar, Nagpur.
2. Smt. Vaishali Ajinkya Raut, aged : 31 years, Occ. Service, r/o c/o Atul Gaur, Plot No. 56, Hudkeshwar Road, Shyam Nagar, Nagpur – 440 034

... NON-APPLICANT(S).

**AND**

**CRIMINAL APPLICATION NO.345 OF 2023**

1. Dilip Pandurang Raut, aged 61 years, Occ : Retired
2. Sau. Vanita Dilip Raut, aged 57 years, Occ. Household.
3. Ms. Devshree Dilip Raut, aged 22 years, Occ. Education.

All 1 to 3 are residing at Survey no.

84/3/10, Plot No. 7, Lane no. 3, Pawar  
Wasti, Lohgaon Tq. Haveli, Dist. Pune.

... APPLICANTS

**VERSUS**

1. State of Maharashtra, through Police  
Station Officer, Hudekeshwar  
Nagpur.
2. Smt. Vaishali Ajinkya Raut, aged : 31  
years, Occ. Service, r/o c/o Atul  
Gaur, Plot No. 56, Hudkeshwar Road,  
Shyam Nagar, Nagpur. – 440 034

... NON-APPLICANT(S).

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Mr Akshay A. Naik, Senior Advocate a/b Mr. Aashish R. Fule, Advocate  
for the applicants.

Shri Ganesh Umale, Addl.PP for the State.

Shri N.R. Fulsunge, Advocate for non-applicant no.2.

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

**CLOSED ON : 17.04.2025.**

**PRONOUNCED ON : 08.05.2025.**

**ORAL JUDGMENT** : (Per : Pravin S. Patil, J.)

Heard.

2. **RULE.** Rule made returnable forthwith.

3. The matters are taken up for final disposal together as both  
the matters are arising out of the same crime.

4. In short, the case of the prosecution is that the informant lodged a report on 14.01.2023 with the Police Station Hudkeshwar, Nagpur City alleging that after her marriage on 28.11.2017 with accused no. 1, she was mentally and physically harassed by the applicants. It is further alleged that the applicants used to harass her for not doing a job and to earn money for the family. Therefore, she searched out the job and asked her husband to purchase one vehicle. However, the husband asked her to get money from her paternal house. Accordingly, she did the same. But her husband always used to take doubt on her and check every day the meter of the vehicle. As such, she was mentally harassed by him.

5. In respect of other applicants it is alleged that they also used to insult her by stating that she does not deserve to co-habit as she unable to conceive pregnancy out of the marriage. The applicants restricted the non-applicant's entry in the kitchen and behaved with her like an unknown person. The applicants did not give her proper treatment when she was facing medical problems. It is mainly alleged that the applicants used to instigate her husband to take divorce from her and drove her out. As such, due to their continuous harassment, non-applicant no. 2 has left the company of the applicants on

08.10.2022. Thus, on the basis of these allegations, the aforesaid offence came to be registered against the applicants.

6. The applicants are challenging the registration of offence against them by raising a ground that the applicants are innocent persons and trapped by the informant. It is stated by the applicants i.e. father-in-law and mother-in-law that the FIR lodged against them is nothing but a complaint with an ulterior motive to settle her personal score.

7. The applicant in Criminal Application No.345 of 2023, who is the sister-in-law stated that she is residing separately at Mumbai to pursue her education and therefore, she is not at all related with the allegations made against her.

8. It is also stated that before lodging of police complaint by the non-applicant no. 2, on 15.11.2022 the applicant/Ajinkya, who is the husband of non-applicant no.2 filed divorce proceedings before the Family Court, Pune. Till date, the said proceedings are pending. It is further stated that proceedings under the provisions of the Protection of Woman From Domestic Violence Act is also filed by the non-applicant no.2 on 06.01.2023, which is pending before the Chief Judicial

Magistrate, Nagpur. In support of this submission, the copies of plaint and complaint are placed on record. (Annexures II and III). Furthermore, it is stated that admittedly, since 08.10.2022, the non-applicant no. 2 has left the company of the applicants and residing separately. Therefore, the police complaint which is filed on 14.01.2023 is afterthought, with an oblique intention to falsely implicate all the family members of the husband in the web of crime without stating any specific instances of criminal conduct on their part. Hence, the present application deserves to be allowed by quashing and setting aside the criminal proceedings registered against the present applicants.

9. Learned Additional Public Prosecutor and non-applicant no.2 in their reply stated that, in the police complaint, the non-applicant no.2 made serious allegations against the present applicants which constitutes the offence under Section 498A of the IPC. To support the said submission, the non-applicant no.2 specifically pointed out that for purchase of vehicle she was extremely harassed by applicants and therefore, by borrowing money from her parental house, the vehicle was purchased by her. In respect of the allegation that she cannot conceive the pregnancy, the non-applicant no.2 placed on record medical documents to establish the fact that she is competent to

conceive the pregnancy. As such, non-applicant no. 2 stated that all the allegations made in the complaint are specific and therefore, it is a fit case where the applicants should face trial and this Court may not conduct mini trial to verify the truthfulness of the allegations made in the complaint.

10. We have perused the entire record and considered the rival submission.

11. In the present case, it is not in dispute that before lodging the complaint by the informant, applicant/husband has filed the divorce petition before the Family Court, Pune bearing P.A. No.2164 of 2022. It is also not in dispute that the non-applicant no. 2 has also filed proceedings before the learned Chief Judicial Magistrate bearing Criminal Misc. Application No. 116 of 2023. In these circumstances, lodging of the police complaint on 14.01.2023 is, *prima facie*, seems to be with an ulterior motive to implicate all the family members of the husband in the web of crime. Furthermore, there is delay of three months on the part of the non-applicant no.2 in lodging the police complaint. As per submission of non-applicant no.2 she has left the company of the applicant and his family on 08.10.2022 due to harassment at the instance of the applicants and complaint is lodged on

14.01.2023. No explanation is offered by the non-applicant no. 2 for the delay.

12. Learned Counsel for the applicants has specifically pointed out from the charge-sheet, that the statement of mother of the non-applicant no. 2 was recorded on 03.02.2023. From this statement, it is clear that the vehicle which non-applicant no.2 stating to have purchased by borrowing money from her parental house, was actually purchased by the applicant/husband from his own pocket for non-applicant no.2 and not by the family of the non-applicant no. 2. Hence, this fact falsify the allegations levelled by the non-applicant no.2 against the applicants.

13. The further allegations which are levelled by the non-applicant no. 2 against the applicants are that when her family members arranged a program of 'Tidwa', though all the applicants were invited, no one present from the husband's family in the said program. Then another allegation is that she was abused by the applicant when one message was sent by her to brother.

14. In respect of this allegation, there are no details given about

the date or time. So also, it is not specifically stated as to when the meeting of elderly persons were called and where that meeting was held.

15. The another allegation is that as she did not conceive pregnancy therefore, she was tortured by the applicants. However to substantiate this submission no specific details of nature of harassment are stated.

16. As such, considering the allegations levelled by the non-applicant no.2, we do not find that prerequisite of Section 498A of the IPC are present in this case.

17. Furthermore in the present matter, the proceeding of divorce and proceeding under the Domestic Violence Act are pending against each other. Hence, there is reason to believe that this complaint is lodged with an ulterior motive for wreaking vengeance against the applicants.

18. In respect of submission of non-applicant no. 2 that this Court should not exercise the inherent powers considering the

allegations made against the applicants, the learned Counsel for the applicants has rightly relied upon the judgment of the Hon'ble Supreme Court in the case of ***Achin Gupta v. State of Haryana and anr. 2024 SCC OnLine SC 759***. In this case, the Hon'ble Supreme Court has specifically observed thus :

*“22. Once the investigation is over and chargesheet is filed, the FIR pales into insignificance. The court, thereafter, owes a duty to look into all the materials collected by the investigating agency in the form of chargesheet. There is nothing in the words of Section 482 of the Cr.PC. which restricts the exercise of the power of the court to prevent the abuse of process of court or miscarriage of justice only to the stage of the FIR. It would be a travesty of justice to hold that the proceedings initiated against a person can be interfered with at the stage of FIR but not if it has materialized into a chargesheet.*

...

*25. If a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but abuse of the process of the court. The court owes a duty to subject the allegations levelled in the complaint to a thorough scrutiny to find out, prima facie, whether there is any grain of truth in the allegations or whether they are made only with the sole object of involving certain individuals in a criminal charge, more particularly when a prosecution arises from a matrimonial dispute.”*

19. In view of the above, it is clear that in a matrimonial dispute particularly, when the charge-sheet is filed, Court owes a duty to look into all material collected by the Investigating Agency and see

that whether there is any oblique motive in lodging the complaint. As such, in light of the law laid down by Hon'ble Supreme Court, the submission of non-applicant is rejected.

20. In the circumstance, from the above referred observation, the only conclusion can be drawn is that with an ulterior motive all the applicants were implicated in the present matter. In the circumstances, forcing the applicant to face the trial would be an abuse of the process of the Court. Hence, we are of considered view that it is a fit case to exercise jurisdiction available under Section 482 of the Code of Criminal Procedure.

21. Hence, we proceed to pass the following order :

(a) Both the applications are allowed.

(b) The Charge-sheet bearing R.C.C. No. 2532 of 2023 pending on the file of the learned Judicial Magistrate First Class, MV Court, Nagpur arising out of the First Information Report No.30/2023 registered with the Hudkeshwar Police Station, Nagpur City for the offence punishable under Sections 498A 506 read with Section 34 of the Indian Penal Code, is hereby quash and set aside.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

*Trupti*