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

CRIMINAL APPLICATION (APL) NO.426 OF 2023

Pratik S/o Narayan Bhanarkar and others

Vs.

The State of Maharashtra through P.S.O., P.S. Tahsil and another

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

Court's or Judge's orders

Shri R.S. Kalangiwale, Advocate for applicants
Shri N.H. Joshi, APP for non-applicant/State

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**

DATED : 24.09.2025

This application is preferred by the applicants who are husband and in-laws of non-applicant No.2 and applicant No. 4 is brother of the applicant No.1 and applicant No.5 is his wife.

2. The applicants are arraigned as accused in connection with Crime No. 0473/2022, registered with Police Station Tehsil, Nagpur, under Section 498-A, 504 read with Section 34 of the Indian Penal Code. On the basis of a report lodged by the informant, non-applicant No.2, on an allegation that, her marriage was performed with the applicant No.1, after marriage, she resumed the cohabitation but she was treated well for initially for some days, and thereafter, for various reasons she was ill treated by her husband and the in-laws, and therefore, she constrained to leave the matrimonial house. On the basis of the said report, Police have registered the crime against the present applicants.

3. Heard learned Counsel for the applicants who submitted that even accepting the allegations as it is no offence is

made out as general and omnibus allegations are levelled against the present applicants. The act narrated by her does not cover under the definition of cruelty. Even her proceeding before the Trial Court for the Domestic Violence Act is already dismissed. In view of that, the application deserves to be allowed by quashing the proceedings against the present applicants.

4. Learned Additional Public Prosecutor strongly opposed the said application and invited our attention towards the recitals of the First Information Report and various statements recorded during the investigation and submitted that as far as the applicant No.1 is concerned, there is specific allegation against him, which attracts the mental cruelties to the informant, and therefore, the application deserves to be rejected.

5. Having heard both the sides and on perusal of the recitals of the First Information Report, it reveals that after marriage she resumed the cohabitation at the house of the present applicants. The allegation shows that she was allegedly ill treated for the various reasons including the reason that she has begotten a female child. Thus, as far as the allegations are concerned, which admittedly attract the offence against the applicant No.1, and it would cover under the mental cruelty. Whether it is a mental cruelty or not, of course, is a matter of evidence. At this stage, *prima facie* material is sufficient to frame the charge against the applicant No.1 is concerned. As far as applicant Nos. 2 to 5 are concerned, admittedly, general and omnibus allegations are levelled against them. It is apparent that they are implicated merely because they are the relatives of the applicant No.1. Now it became a recurring tendency to implicate the family members of the husband in such type of incidents. The observation of the

Hon'ble Apex Court in this regard is relevant and which required to be reproduced. The Hon'ble Apex Court in the case of ***Preeti Gupta Vs. State of Jharkhand, (2010) 7 SCC 667***, wherein, the Apex Court observed in paragraph Nos. 30, 32, 34 as under :

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is repeatedly increasing in our country. All the Courts in our country including this Court are flooded with the matrimonial cases. This really demonstrates discontent and unrest in the family life of a large number of people in the society.

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32. It is the 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 came across a large number of such complaints which are not even bona fide and as 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.

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

6. In the case of ***Kahkashan Kausar Vs. State of Birhar, (2022) 6 SCC 599***, the Supreme Court after taking stock of various decisions, rendered by the supreme Court in the subject matter, observed in paragraph No. 17 as under :

“The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial

dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.”

7. In view of the recitals of the First Information Report, admittedly, the general and omnibus allegations are levelled against the present applicants, and considering the fact that no specific allegations are levelled against them, and merely because they are implicated in the alleged offence as they are the relatives of the husband. The application deserves to be allowed against them, and the application of the applicant No.1 deserves to be rejected. Accordingly, we proceed to pass the following order:

ORDER

- i) Application is partly allowed.
- ii) The prayer of the applicant No.1, for quashing of the First Information Report, is hereby rejected.
- iii) The First Information Report in connection with Crime No. 0473/2022, registered with Police Station Tehsil, Nagpur, under Sections 498-A, 504 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside to the extent of the applicant No.2 -Mrs. Usha Narayanrao Bhanarkar, applicant No.3 – Narayanrao Gopalrao Bhanarkar, applicant No.4 – Hemant S/o Narayanrao Bhanarkar and applicant No.5 – Sou. Manjusha Hemant Bhanarkar.

The application is disposed of in the above said terms.

(NANDESH S. DESHPANDE, J.) (URMILA JOSHI-PHALKE, J.)

Jayashree..