



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

CRIMINAL APPLICATION (APL) NO. 261 OF 2025

Sagar S/o Bhaskar Raut And Others

Vs.

State of Maharashtra, Thr. Its P.S.O., Frejarpura P.S., Amravati City, Dist. Amravati
And Another

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

Court's or Judge's orders

Mr. A. P. Barahate, Advocate for the applicants
Mr. S. S. Upadhyay, Advocate for the non-applicant no. 2.
Mr. A. J. Gohokar, APP for non-applicant/State

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

DATED : 18.12.2025

1. Present application is preferred by the applicants who are the husband and the relatives of the husband for quashing of the First Information Report in connection with Crime No. 136/2025 registered under Section 498-A read with Section 34 of Indian Penal Code registered with Frejarpura, police Station District Amravati.

2. As per the contention of the non-applicant no. 2 her marriage was performed with the applicant no. 1 on 26.04.2019. In the marriage her father has incurred the expenses and also gifted golden ornaments. As per the recitals of the First Information Report her father has incurred the expenses to the tune of Rs. 22,50,000/-. It is alleged by her that after marriage the applicant no. 1 has

refused to have physical relationship with her he has also taken on her on a tourist visa at Australia. Wherein also she was repeatedly humiliated insulted by saying that, she is uneducated and he was having the relationship with a girl residing at Australia. It is further alleged that on various occasions she was insulted, humiliated by the applicant no. 1 and she was ill-treated physically as well as mentally also by abusing her. She was also ill-treated as she could conceive and therefore she constrained to return to her parents house. On the basis of the said report police have registered the crime against the applicant no. 1 and the other applicants.

3. Heard learned counsel for the applicant who submitted that the non-applicant no. 2 and the applicant no. 1 has arrived at a settlement and in view of the settlement they decided to obtain the decree of the divorce therefore they preferred an application before the Family Court Amravati on 26.01.2023 as both the parties have not appeared before the Court, therefore, the petition was dismissed on 04.01.2021. Subsequent to the dismissal of the petition this First Information Report came to be lodged. He submitted that the entire allegations are baseless and vague in nature and not stating any specific instances as to the ill-treatment. He submitted that as the non-applicant no. 2 was not willing to cohabit with the applicant no. 1 and therefore this FIR came to be lodged after the divorce petition is dismissed he submitted that as far as the other applicants

are concerned especially the in-laws who were residing in India at Pune. The applicant no. 3 who is the brother of the applicant no. 1, applicant no. 4, 5 and 6 are the sisters who already married and residing at their matrimonial house, applicant no. 7 is the husband's brother's brother-in-law and the applicant no. 8. is the husband's brothers friend who are not at all concerned regarding the domestic relationship with the non-applicant no. 2. Therefore, question of ill-treatment at their hands doesn't arise.

4. Per contra, learned APP submitted that as far as husband is concerned there is specific allegation as to the ill-treatment and therefore, she filed a divorce petition. He fairly admitted that as far as the other applicants are concerned against whom the general allegation is levelled. However, learned counsel for the complainant strongly opposed for the same and submitted that in a written complaint she has specifically narrated the role of each of the applicants which was filed on 22.11.2024 and considering the said allegations the prima facie case is made out against all the applicants. In view of that the application deserves to be rejected.

5. On hearing both the sides and on perusal of the entire investigation papers and the submissions made by the learned counsel for the parties, it reveals that the applicant no. 2 to 8 are the in-laws and the nearest relatives of the husband. On perusal of the entire First Information Report it

reveals that except the allegation that they have also ill-treated the informant there is no specific instance or specific role attributed to them. It is submitted by the learned counsel for the complainant that she has stated the role of each of the applicant in a written complaint which was filed much prior to the said First Information Report that is on 22.11.2024. Admittedly, on the basis of the said written complaint no offence was registered against the present applicants and thereafter the parties have file the mutual consent divorce petition as the same divorce petition was rejected for non appearance of the parties and subsequent to that this First Information Report is lodged. In the said First Information Report admittedly, no specific instances are narrated as far as the applicant nos. 2 to 8 are concerned. As far as the applicant no. 8 is concerned who is not within the definition of relative. The definition of the relative is discussed by the Hon'ble Apex Court in the case of ***U. Suvetha v. State by Inspector of Police & Anr.*** reported in (2009) 6 SCC 757 wherein, by taking the reference of the advance Law Lexicon, The Hon'ble Apex Court held as under:-

"RELATIVE" includes any person related by blood, marriage or adoption.

6. The Hon'ble Apex Court has further given the reference of the dictionary as well as the concept of Hindu Undivided Family and observed that "RELATIVE" in relation to an individual means –

- a) The mother, father, husband or wife of the individual, or*
- b) a son, daughter, brother, sister, nephew or niece of the individual, or*
- c) a grandson or grand-daughter of the individual, or*
- d) the spouse of any person referred to in sub- clause (b) of the Income Tax Act.*

7. Thus Hon'ble Apex Court observed that "REALTIVE" means –

- 1) spouse of the person ;*
- 2) brother or sister of the person ;*
- 3) brother or sister of the spouse of the person;*
- 4) any lineal ascendant or descendant of the person;*
- 5) any lineal ascendant or descendant of the spouse of the person;*

8. By applying the aforesaid observation of the Hon'ble Apex Court admittedly, the applicant no. 8 is not a relative and therefore the provisions under Section 498A will not attract against applicant no. 8.

9. Coming to the other applicants admittedly, the first information report is registered subsequent to the complaint filed by the informant on perusal of the recitals of the First Information Report except the statement that all the applicants have also ill-treated her there is no specific instances narrated by the informant as far as the role of the present applicant nos. 2 to 7 are concerned. It is pertinent to

note that the applicant nos. 4 and 5 are the sisters who are married and residing at Akola, at the far distance from the residential house of the applicant no. 1 and non-applicant no. 2. There is no specific instances narrated by the informant showing that they at any time during her cohabitation visited the place of her matrimonial house and there was occasion for them to ill-treat the informant. Thus it is apparent that no willful conduct was narrated by the non-applicant no. 2 as far as the applicant no. 2 to 8 are concerned. Thus omnibus, vague and general allegations are levelled against them. Merely because they are the relatives of the husband they are shown to be implicated in the alleged offence without any specific role attributing to them. Thus considering the law laid down by the Hon'ble Apex Court in the case of *Dara Lakshmi Narayan and Others vs. State of Telangana and Others*, reported in MANU/SC/1309/2024, Hon'ble Supreme Court has made it clear that the 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.

10. Wherein it is observed that now there is a recurring tendency of the complainant to implicate all the family members in such type of the crimes. The involvement of the

present applicant appears to be there and therefore the application deserves to be allowed to the extent of the applicant no. 2 to 8 are concerned. Accordingly, we proceed to pass following order :-

ORDER

- i) Application is partly allowed.
- ii) The prayer of the applicant no. 1 for quashing of the First Information Report and the consequent proceeding is hereby rejected.
- iii) The First Information Report in connection with Crime No. 136/2025 registered under Section 498-A read with Section 34 of Indian Penal Code is hereby quashed to the extent of the applicant nos. 2 to 8 i.e. applicant no. 2 – Shobha W/o. Bhaskar Raut, applicant no. 3 – Shekhar S/o. Bhaskar Raut, applicant no. 4 – Minal W/o. Shekhar Raut, applicant no. 5 – Aparna W/o. Shrikant Gawande, Applicant no. 6 – Shrikant S/o. Sureshrao Gawande, applicant no. 7 – Sagar S/o. Sahebrao Bhuyar and applicant no. 8 – Dilip S/o. Jyotiba Patil.
- iv) The application is disposed of in above said terms.

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