



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.287 OF 2025

[Rahul Kishor Mehta and Others ..Vs.. State of Maharashtra and Another]

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

Court's or Judge's order

Mr N. S. Khandewale, Advocate for Applicants.
Mr A. J. Gohokar, Addl. P. P. for Non-Applciant/State.
Ms N. A. Bilal, Advocate for Non-Applciant No.2.

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

DATE : **12th NOVEMBER, 2025.**

. Heard.

2. The present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No.107 of 2025 registered under Sections 3(5) and 85 of the BNS, 2023.

3. The crime is registered on the basis of a report lodged by the informant – non-applciant No.2 on an allegation that her marriage was performed with applicant No.1 on 18.02.2024. After the said marriage, she resumed cohabitation with the applicant No.1 at the matrimonial house. She was treated well for one week and thereafter, she was ill-treated by the present applicants by demanding the amount of Rs.4,80,000/-. The said amount is already paid by her father but, thereafter also for one or the reason, she was ill-treated by the applicants and therefore, she constrained to leave the matrimonial house. On the basis of such report, police have registered the crime against the present applicants.

4. During the submission, learned counsel for the applicants submitted that he is withdrawing the application for applicant Nos.1 to 3 with liberty to file a fresh, after filing of the charge-sheet. As far as the applicant Nos.4 to 7 are concerned, he submitted that general and omnibus allegations are levelled against them. No specific instances are narrated. Moreover, they are not residing alongwith the applicant No.1 and the non-applicant No.2. After the marriage, they are residing at different places. Considering the nature of the allegations levelled against them, no offence is made out and therefore, the application deserves to be allowed as far as the applicant Nos.4 to 7 are concerned.

5. Learned Additional Public Prosecutor and the learned counsel for the complainant strongly opposed for the same and submitted that specific instances are narrated as well as the on line transaction shows that the amount of Rs.4,80,000/- was accepted by the husband. The demand was made by all the family members of the husband and she was ill-treated for the same. Therefore, the application deserves to be rejected.

6. On hearing both the sides and on perusal of the FIR as well as the investigation papers which are placed by the learned A.P.P. which show that during investigation, various statements are recorded by the investigating officer. As far as the allegations against the applicant Nos.4 to 7 are concerned, admittedly, general and omnibus allegations are levelled against the present applicants. It is apparent that they are implicated merely because they are the nearest

relatives of the husband i.e. applicant No.1. This aspect is now considered by the Hon'ble Apex Court in the case of *Dara Lakshmi Narayan and Others vs. State of Telangana and Another*, reported in *Manu/SC/1309-2024* wherein, the Hon'ble Apex Court had 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.

7. On perusal of the entire investigation papers, it reveals that the applicant Nos.4 to 7 are implicated merely because they are nearest relatives of the husband. As far as the allegations against the same is concerned which is of general and omnibus in nature, in view of that the application deserves to be allowed to the extent of the applicant Nos.4 to 7 are concerned. In view of that we proceed to pass the following order ;

ORDER

- i) The application is partly **allowed**.
- ii) The application is disposed of as far as the applicant Nos.1 to 3 are concerned as it is withdrawn by them.
- iii) The First Information Report in connection with crime No.107 of 2025 registered under Section 3(5) and 85 of the B.N.S., 2023, is hereby quashed and set aside to the extent of applicant Nos.4 to 7 i.e. "applicant No.4 – Manisha W/o Bharat Vyas,

applicant No.5 – Lokesh S/o Kishor Mehta, applicant No.6 – Tejaswini W/o Lokesh Mehta and applicant No.7 – Ushaben wd/o Jagneshwarji Mehta.”

8. The application is disposed of in the above said terms.
9. Liberty is granted to the applicant Nos.1 to 3 to move this Court after filing of the charge-sheet.

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