



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

Criminal Application (APL) No. 573 of 2023

Gopal S. Jadhav and others

Versus

State of Maharashtra through Police Station Officer, Pusad (Gramin),
Tehsil Mahagaon, District Yavatmal and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C.B.Dharmadhikari, Advocate for the applicants.

Shri Sagar Ashirgade, APP for the non-applicant/State.

Shri N.R.Shiralkar, Advocate h/f Shri K.S.Narwade, Advocate
for the non-applicant no.2.

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

DATED : 17th APRIL, 2025.

Shri Dharmadhikari, learned counsel for the applicants at the
outset submits that he does not want to press the present application qua
applicant no.1 -Gopal S. Jadhav. Accordingly, the application is disposed
of against the applicant no.1 as not pressed.

2. The present application is filed under Section 482 of the
Code of Criminal Procedure. The challenge raised is to the charge-sheet

No. 371 of 2023 dated 29th May, 2023 arising out the First Information Report vide Crime No. 0684 of 2022 dated 8th November, 2022 registered with Police Station Pusad (Gramin), Tehsil Mahagaon, District Yavatmal for the offences punishable under Section 498-A, 323, 504, 506, 354(b), 317 read with Section 34 of Indian Penal Code.

3. The offence was registered against total eight accused. Applicant nos. 2 and 3 are the accused nos. 8 and 7 respectively. Applicant no.3 is the sister-in-law of the non-applicant no.2 / complainant and applicant no.2 is the husband of applicant no.3.

4. It is argued that the applicants have been falsely implicated in the alleged offence and they have been roped into the alleged offence with ulterior motive. It is submitted that the complaint is fictitious and filed with an intention to harass the applicants.

5. It is further argued that the allegation against the applicants are general and vague and even during the investigation nothing has been found against the applicants to show their *prima facie* complicity in the alleged offence. It is therefore prayed that charge-sheet against the applicants may be quashed.

6. On the other hand, learned Additional Public Prosecutor for the non-applicant no.2 complainant, strongly opposed the application and submits that there are allegations of ill-treatment and harassment by the applicants to the non-applicant no.2 and as such on the face of the First Information Report since the offence constitute against the applicants, it is prayed that this Court may not allow the application.

6. In light of rival submissions, we have perused the charge-sheet and the relevant material filed along with charge-sheet as collected by the Investigating Officer during the investigation.

7. In the First Information Report, generalised accusation are made against the applicants. Furthermore, it is evident that since the applicants were not staying with the complainant, and at the relevant time they used to stay at Nagpur and complainant would reside at Pusad at her matrimonial house. It is alleged that they used to go to the matrimonial house of the complainant and whenever they would come they would make demand of Rs.6,00,000/-. There are no specific instances, dates and other details given in the First Information Report in this regard or even in the statement recorded by the police during the investigation.

8. The Hon'ble Apex Court in the case of in the case of Dara Lakshmi Narayana & Others Vs. State of Telangana & Another reported in SLP (Cri.) No. 16239 of 2024 vide order dated 10th December, 2024 has that incorporation of section 498A of IPC was aimed at preventing cruelty committed upon a woman by her husband and her in-laws, by facilitating rapid state intervention. However, it is equally true, that in recent times, matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as 498A Indian Penal Code as instruments to settle personal scores against the husband and his relatives.

9. It is further held by the Hon'ble Supreme Court of India in numerous judgment that the misuse of section 498A Indian Penal Code 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”.

10. A bare perusal of the First Information Report shows that allegations made by the informant are vague and omnibus. Further informant neither provided any specific details nor described any particular incident of instigation on the part of applicants, she has also not mentioned the time, date, place or manner in which the alleged instigation has occurred. Therefore, the First Information Report in question do not make out relevant ingredients of Section 498-A of Indian Penal Code against the applicants.

11. The observations made by the Hon’ble Supreme Court of India and considering the tendency in such matters to robe into the family members of the husband with an intention to harass them, we are of the opinion that in view of generalised accusation made against the applicants without there being any sufficient evidence on record, it would be just and fair to ask the applicant to face trial.

12. In that view of the matter, since even allegations made in the First Information Report are taken on its face value, no offence constitutes against the applicants. Accordingly, the criminal application is allowed.

13. The charge-sheet No. 371 of 2023 dated 29th May, 2023 arising out of First Information Report vide Crime No. 0684 of 2022 dated 8th November, 2022 registered with Police Station Pusad (Gramin), Tehsil Mahagaon, District Yavatmal for the offences punishable under Section 498-A, 323, 504, 506, 354(b), 317 read with Section 34 of Indian Penal Code is hereby quashed and set aside qua applicant no.2 - **Sandeep Siatram Ade** and applicant no.3 - **Mrs. Simpal Sandip Ade**.

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]