



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

CRIMINAL APPLICATION (APL) NO. 529 OF 2023

Shatrughan S/o Jyotiram Bansod & Ors.

Vs.

State of Maharashtra, Thr. PSO, P.S. Chandrapur City, Chandrapur Tq. And Dist.
Chandrapur & Anr.

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

Court's or Judge's orders

Ms. S. H. Bhagat, Advocate for applicants
Mr. K. J. Rawandhe, Advocate for non-applicant no. 2.
Mr. M. J. Khan, APP for non-applicant/State

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

DATED : 18.11.2025

1. Present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No. 88 of 2021, registered under Section 498A read with Section 34 of the Indian Penal Code.

2. Heard learned counsel for the applicant, who invited our attention towards the recitals of the FIR and the various statements of the witnesses, and submitted that the applicant no. 1 is the father-in-law, applicant no. 2 is the mother-in-law, and applicant no. 3 and 4 are the sister-in-law, they are residing separately at different place. As far as the allegations are concerned, which are framed general and omnibus in nature, no specific instances are narrated by

the informant as far as the applicants are concerned. Thus, considering the nature of the allegations, no prima facie case is made out against the present applicants, and therefore the application deserves to be allowed.

3. Learned APP strongly opposed the said contentions and invited our attention towards the recitals of the FIR, and submitted that specific allegation of the abetment at the hands of the present applicants is made out, and therefore prima facie case is made out against the present applicants. In view of that, application deserves to be rejected.

4. Learned counsel for the complainant endorse the same contention and submitted that considering the statement of the informant as well as other relatives, prima facie case is made out, and hence application deserves to be rejected.

5. After hearing both the sides and on perusal of the investigation papers, it reveals that the marriage between the applicant arbitrarily non-applicant no. 2 and the son of the applicant no. 1 was performed on 07.04.2019. As per the allegations, after marriage for some days she was treated well and thereafter the applicants instigated her husband, and on their instigation, her husband was ill-treating her and also demanding the amount. The statements of other witnesses are also

recorded. On perusal of the statements of various witnesses, it reveals that general and omnibus allegations are levelled against the present applicants as far as the abetment is concerned. All the statements which are recorded are omnibus, vague and stereotype. At this stage, reference can be given to the observations made by the Hon'ble Apex Court in the matter of ***Preeti Gupta and another Vs. State of Jharkhand***, reported in 2010 (7) SCC 667 wherein the Hon'ble Apex Court observed in the paragraph no. 30, 32 and 34 as under :-

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

32. It is a 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 come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

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

6. In view of the above observations, if the facts of the present case are considered, admittedly no specific allegations as far as the abetment is concerned levelled against the present applicants. Now a days, there is a tendency to implicate all the family members in such type of offences. In *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.

7. In view of the above observation of the Hon'ble Apex Court, here in the present case also it is apparent that due to the dispute between the husband and wife, the other family members are implicated. Considering the nature of the statements made by the informant and other relatives, no prima facie case is made out against the present applicants. In view of that, application deserves to be allowed. Accordingly, we proceed to pass following order:-

ORDER

- (i) Application is allowed.

(ii) The First Information Report in connection with Crime No. 88/2021 and consequent proceeding arising out of same charge sheet no. 153/2022 registered under Sections 498A read with Section 34 of Indian Penal Code, is hereby quashed to the extent of the present applicants i.e. applicant no. 1 – Shatrughan s/o Jyotiram Bansod, applicant no. 2 – Pramila w/o Shatrughan Bansod, applicant no. 3 - Sapna w/o Surendra Bagade and applicant no. 4 – Nilima w/o Amol Bhowate.

(iii) The application is disposed of in the above said terms.

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