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

CRIMINAL APPLICATION (APL) NO.1021 OF 2021

1. Sumit Ratnakar Bute,
Aged 35 Years,
Occupation : Private Service,
R/o 806, 2 E Palash,
Green Dr. Road,
Shankar Kalat Nagar, Wakad,
Pimpri-Chinchwad,
Taluka and District Pune- 411057
(P.S.O. Wakad, Pune)

c/o Credence Resource Management : **Office Address**
MIDC 1st and 2nd Floor,
"Zensar Building 3-1 E Park South Tower,
Kharadi, Pune,
Talkuka and District Pune – 411014.
2. Ratnakar Bhaurao Bute,
Aged 60 Years,
Occupation : Business and Agri.,
3. Lilabai Ratnakar Bute,
Aged : 55 Years,
Occupation : Household,
4. Navneet Ratnakar Bute,
Aged 30 Years,
Occupation : Business and Agri.
Applicant No.2 to 4 are
R/o Elkapar,
Tahsil Sausar,
District Chhindwara, M.P.,
(PSO Yelkapur, Sasur, District Chhindwara)
5. Kavya Kapil Kheta,
Aged 37 Years,
Occupation : Household,
R/o Prabhat Talkies,
Laxmibai Ward, Gondia,
Taluka and District Gondia,
(PSO Gondia)

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6. Aparna Vaibhav Bhute,
Aged 33 Years,
Occupation : Household,
R/o. Plot No.13, Block Sector,
Santaji Colony, Deo Nagar Road,
Khamla Road, Nagpur.
Tahsil and District Nagpur.

.... APPLICANTS**// VERSUS //**

1. State of Maharashtra, Through its
Police Station Officer,
Police Station, Rajapeth,
District Amravati,
Tahsil and District Amravati.
2. Rashmi Sumit Bute,
Aged 29 Years,
Occupation : Household,
R/o C/o Arunrao T. Tijare,
"Maharudra" Dande Plot,
Rajapeth, Amravati,
Tahsil and District Amravati.

.... NON-APPLICANTS

Mr. Anil Dhawas, Counsel for the applicants.
Ms. Shamsi Haider, APP for non-applicant No.1/State.

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

RESERVED ON : 30.09.2025

PRONOUNCED ON : 15.10.2025

JUDGMENT : (PER : URMILA JOSHI-PHALKE, J.)

1. **Admit.**
2. Heard finally with the consent of the learned Counsel of the parties.
3. The applicants have approached this Court under Section 482 of the Code of Criminal Procedure with a prayer to

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quash and set aside the First Information Report (hereinafter referred as "FIR") in connection with Crime No.676/2019 registered under Section 498A read with Section 34 of the Indian Penal Code and consequent proceeding arising out of same RCC No.146/2020 pending in the Court of Judicial Magistrate First Class, Amravati, District Amravati.

4. The applicant No.1 is the husband and applicant Nos.2 to 6 are the in-laws of the informant. The informant has lodged a report against the present applicants alleging that her marriage was performed with the applicant No.1 on 02.01.2019. After marriage, she resumed the cohabitation with the applicant No.1. Initially, she resided with all the applicants and subsequently, she went along with her husband at Pune and was staying there. As per the allegations, after marriage applicant No.1 ill-treated her by demanding the unlawful demand to pay Rs.10,00,000/- for purchasing the flat and on that count, she was physically as well as mentally ill-treated. It is alleged that her mother-in-law and sister-in-law have also harassed her by assaulting her. On the basis of the said report, police have registered the crime against the present applicants. During the investigation, the Investigating Officer has recorded various statements of the witnesses including the statement of friends of the informant to whom she has disclosed the said incident.

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5. Heard learned Counsel for the applicants, who submitted that on the basis of general and omnibus allegations, the applicants are implicated in the alleged offence. He invited our attention towards the investigation papers and submitted that no particulars as to the allegations are narrated by the informant while giving statement to the police. He submitted that the marriage took place on 02.01.2019, whereas the FIR was lodged in the year 2019. There was no previous complaint as to the ill-treatment at the hands of the present applicants. He submitted that she has lodged a false FIR implicating all the family members of the applicant No.1.

6. Per contra, learned APP appearing for the State submitted that there is a specific allegation as to the unlawful demand as well as physical and mental cruelty at the hands of the present applicants. Thus, considering the *prima facie* case, sufficient material is on record to face the trial and therefore, the application deserves to be rejected.

7. We have considered the submissions advanced by the learned Counsel for the applicants and learned APP for the State. Despite the notice served, none appears for the non-applicant No.2. We have gone through the contents of the FIR and the statements of the witnesses in the charge sheet. We have also considered the allegations levelled against the applicants. Thus,

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Careful scrutiny of the FIR depicts that vague, general and omnibus allegations are made against applicant Nos. 2 to 6. The facts and circumstances of the allegations also show that after marriage for a very short span of time, she stayed at her matrimonial house and thereafter, she started residing along with her husband at Pune. Her marriage was performed on 02.01.2019 and immediately in March 2019, she started residing at Pune along with her husband. Thus, the recitals of the FIR itself show that for a very short span of time, she resided along with her in-laws i.e. applicant Nos. 2 and 3. The other applicants are already residing separately. The applicant Nos. 5 and 6, who are the sisters of the husband, are already married and staying at their matrimonial house. It is not clarified as to when such a demand was raised by the applicant Nos. 2 to 6. It is not the case that the demand was in the form of dowry. Considering the allegations, at this stage, reference can be given to Section 498-A of the IPC which reads as under:

"498-A. Husband or relative of husband of a woman subjecting her to cruelty -- Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation -- For the purpose of this section, "cruelty" means-

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(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her meet such demand."

8. The careful scrutiny of the charge sheet shows that statements of parents and the friends are omnibus stereotype as far as the applicant Nos.2 to 6 are concerned. At this stage, reference can be given to the observations made by the Hon'ble Apex Court in the case of **Preeti Gupta vs State of Jharkhand** reported in **(2010) 7 SCC 667** wherein the Apex Court observed in para Nos.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

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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 visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations."

9. Section 498A of IPC prescribes punishment where a woman is subjected to cruelty by her husband or his relatives. The offence is punishable with imprisonment for a term which may extend to three years and also provide for fine. The explanation appended to the provision defines "cruelty" in two parts. Clause (a) refers to wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health, whether mental or physical. Clause (b) expands the scope of term to include harassment with a view to coercing the woman or her relative to meet any unlawful demand for property or valuable security or on account of failure to meet such demand."

10. A bare perusal of the FIR and the materials placed on record reveals that the specific allegation is levelled as far as the

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applicant No.1 is concerned. As far as the allegations against the applicant Nos.2 to 6 are concerned, the recitals of the FIR itself shows that after one month of marriage, she started residing separately along with the husband.

11. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out from the experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord.

12. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, now a days there has been a notable rise in matrimonial disputes and the tendency of roping all the family members is also at rise. This facts is also considered by the Hon'ble Apex Court in the case of **Dara Lakshmi Narayana and others vs. State of Telangana and another** reported in **MANU/SC/1309/2024** wherein the Hon'ble Apex Court observed that "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

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implicate every member of the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law."

13. Coming to the facts of the present case, upon perusal of the contents of the FIR and the entire charge sheet, the statements of the witnesses it is revealed that general allegations are levelled against applicant Nos.2 to 6 that they have harassed her by demanding money and she was subjected to cruelty physically as well as mentally. None of the applicants i.e. the applicant Nos.2 to 6 have been attributed in a specific role in furtherance of the general allegations made against them. This simply shows that the allegations are general and omnibus.

14. The scope and ambit of courts' powers under Section 482 Cr.P.C are inherent power to do real and substantial justice, and to prevent the abuse of the process of the law. It is also time and again held by the Hon'ble Apex Court that inherent powers under Section 482 Cr.P.C. though wide have to be exercised sparingly, carefully and with great caution and only when such exercise is

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justified by the tests specifically laid down in the provision itself. Authority of the court exists for the advancement of justice. If any abuse of the process leading to injustice is brought to the notice of the Court, then the Court would be justified in preventing injustice by invoking inherent powers in absence of specific provisions in the Statute.

15. Admittedly, present applicant Nos.2 to 6 are the in-laws and the distinct relatives and no specific role is assigned to them, compelling them to face further prosecution would definitely an abuse of the process of law. For the aforesaid reasons, we are of the considered opinion that FIR in connection with Crime No.676/2019 registered under Section 498A read with Section 34 of the Indian Penal Code and consequent proceeding RCC No.146/2020 deserves to be quashed to the extent of applicant Nos.2 to 6. Hence, we proceed to pass following order:

ORDER

(i) The application is partly allowed.

(ii) The First Information Report in connection with Crime No.676/2019 registered with Police Station Rajapeth, Amravati City, District Amravati under Section 498A read with Section 34 of the Indian Penal Code and consequent proceeding arising out of same RCC No.146/2020 pending in the Court of Judicial Magistrate First Class, Amravati, District Amravati, are hereby

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quashed and set aside to the extent of applicant Nos.2 to 6.

(iii) The trial will continue as far as the applicant No.1 is concerned.

(iv) Parties to bear their own costs.

The application is disposed of in the above said terms.

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

Sarkate.