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

CRIMINAL APPLICATION (APL) NO.731 OF 2023

1. Devanand s/o Nana Jadhav,
Age : 30;
Occupation : Service in Indian Army,
R/o. Shivaji Nagar, Jalna Road,
Ward No.9, Sindkhedraja, .. **[Alleged husband of complainant]**
District Buldhana, Maharashtra
[Presently posted at 118
Infantry Battallion, T. A., The
Grenadier, Shimla,
Himachal Pradesh]
2. Rameshwar s/o Nana Jadhav,
Age : 34;
Occupation : Private Service, .. **[Alleged brother-in-law]**
R/o. Shivaji Nagar,
Jalna Road, Ward No.9,
Sindkhedraja, District Buldhana,
Maharashtra.
[Presently residing at Pune University
Campus, Room No.404, "O" Building
Pune, Maharashtra]
3. Smt. Shobhabai w/o Nana Jadhav,
Age: 70;
Occupation : Housewife, .. **[Alleged mother-in-law]**
R/o Shivaji Nagar, Jalna Road,
Ward No.9, Sindkhedraja,
District Buldhana.
Maharashtra.
4. Sandeep s/o Damodhar Jadhav,
Age: 30; .. **[Alleged cousin brother-in-law]**
Occupation : Agriultural Labour,
Address Palaskhed Zalta,
Tluka Deulgaon Raja,
District Buldhana.
5. Rekha d/o Nana Jadhav,
[Married name : Rekha w/o Rameshwar Khajinkar]
Age: 36;
Occupation : Housewife, .. **[Alleged sister-in-law]**
R/o. Anand Nagar, Badnapur,

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Taluka Badnapur, District Jalna.

6. Damodhar s/o Shankar Jadhav,
Age: 75;
Occupation : Nil.,
R/o Palaskhed Zalta,
Taluka Deulgaon Raja,
District Buldhana.
- .. **[Alleged cousin
father-in-law]**
- APPLICANTS**

// VERSUS //

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Sadar, Nagpur.
2. Ms. Sejal d/o Umashankar Rajput,
Aged about : 30 Years,
Occupation : Private work;
R/o. Plot No.30, Ghanashyam
Nagar, 'Aspas Mandir', Godadara,
Surat, State of Gujrat.
- NON-APPLICANTS.**

Mr. Chandrakant Bailmare, Counsel h/f Mr. N. S. Khubalkar,
Counsel for the applicants.
Ms. Shamshi Haider, APP for non-applicant No.1/State.

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 13/10/2025**

ORAL JUDGMENT : [Per : URMILA JOSHI-PHALKE, J.]

1. **Admit.**
2. Heard finally with the consent of the learned Counsel
for the parties.
3. The present application is preferred by the applicant
for quashing of the First Information Report in connection with
Crime No.457/2017 registered with Police Station Sadar, District

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Nagpur, for the offence punishable under Sections 498-A, 504 and 506(B) and 114 of the Indian Penal Code and consequent proceeding arising out of the same RCC No.463/2020 pending before the 16th Judicial Magistrate First Class, Nagpur.

4. The crime is registered on the basis of a report lodged by the informant non-applicant No.2 on an allegation that her first marriage was performed with one Rahul Bharat Raut and she has obtained the decree of dissolution of marriage thereafter, she got acquaintance with the present applicant No.1 Devanand and they performed marriage on 12.01.2016. After marriage, she resumed the cohabitation, but the other applicants have not accepted her as the wife of Devanand and they used to abuse and assault her and also induced her husband to ill-treat her. On the basis of the said report, police have registered the crime against the present applicants.

5. Heard learned Counsel for the applicants, who submitted that as far as the allegations are concerned, which are omnibus and general allegations levelled against all the applicants, even no case is made out against the husband also. He submitted that the allegations in the FIR are vague, general and omnibus in nature and therefore, no *prima facie* case is made out against the present applicants and therefore, the FIR against them be quashed.

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6. Learned APP strongly opposed the said application and invited our attention towards the various statements and submitted that considering the nature of the allegations, at this stage, *prima facie* case is made out, hence the application deserves to be rejected.

7. None present for non-applicant No.2, despite she is served with the notice.

8. The present FIR has been filed on 10.10.2017, though the alleged incident narrated by her is dated 15.02.2016. As far as the nature of the allegations is concerned, which the recitals of the FIR shows that vague, general and omnibus allegations are made against all the applicants regarding ill-treatment for trifle reasons. There is no explanation as far as the delayed FIR is concerned. 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."

9. The careful scrutiny of the charge sheet shows that the statements of the parents and other relatives which are omnibus, stereotype and the allegations levelled are of wear and tear in nature. 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.

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

10. The observation of 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** is also relevant at his stage, wherein it has made clear that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Apex 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.

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11. In the light of the above observation, if the facts of the present case are taken into consideration and keeping in mind the above said observations, we find that this is a fit case to exercise jurisdiction under Section 482 of Cr.P.C. The applicant against whom the allegations are made admittedly, are of omnibus in nature, no specific instances are narrated and therefore, the application deserves to be allowed. Accordingly, we proceed to pass following order:

ORDER

- (i) The application is **allowed**.
- (ii) The First Information Report in connection with Crime No.457/2017 registered with Police Station Sadar, District Nagpur for the offence punishable under Sections 498-A, 504, 506(B) and 114 of the Indian Penal Code and consequent proceeding arising out of the same bearing RCC No.463/2020 pending before the 16th Judicial Magistrate First Class, Nagpur, are hereby quashed and set aside to the extent of present applicant **No(1)**. Devanand s/o Nana Jadhav, applicant **No.(2)** Rameshwar s/o Nana Jadhav, applicant **No.(3)** Smt. Shobhabai w/o Nana Jadhav, applicant **No.(4)** Sandeep s/o Damodhar Jadhav, applicant **No.(5)** Rekha d/o Nana Jadhav and applicant **No.(6)** Damodhar s/o Shankar Jadhav.

The application is disposed of in the above said terms.

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