



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

CRIMINAL APPLICATION NO.652 OF 2024

1. Narayanrao N. Shobhane, (Father in law), age about 78 yrs, Occ. Nil.
2. Sau. Chandrakala Narayanrao Shobhane, age about 73 yrs, Occ. Nil,

Both the applicant nos. 1 and 2 are residing at plot No.41, Vishwakarma Nagar, Lane No. 7, Behind Ajani Police Station, Nagpur.

Pin Code No. 440027

Mob. 9822111299

3. Ujwala Rameshrao Rode, (sister in law), age about 48 yrs, Occ. Professional Actress, Parwati Nagar, Nagpur.

... APPLICANTS

VERSUS

1. State of Maharashtra, through Police Station Officer of Police Station Ajani, Nagpur, dist. Nagpur.
2. Sau. Suchita w/o Kaustubh Shobhane, aged about 38 yrs, Occ. Private, r/o c/o Jitesh Shankarrao Fuse (Brother), Ward No. 4, Takalghat, Post Takalghat, Police Station Tembari, Tahsil Hingna, Dist. Nagpur. Maharashtra Mobile No.

8999743589

... NON-APPLICANT(S).

Shri Hitesh D. Gedam, Advocate for the applicants.
Ms. S.Z. Haider, Addl.PP for the State.
Shri Atharva C. Khadse, Advocate for non-applicant no.2 (Appointed).

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.

DATE : 23.04.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

RULE. Rule made returnable forthwith.

2. By this application the applicant is seeking quashing of First Information Report ('FIR') No.91 of 2024 registered with the Ajani Police Station, Nagpur City for the offence punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. Non-applicant no. 2 in her complaint dated 15.02.2024 alleged that immediately after her marriage she was subjected to physical and mental cruelty at the hands of the applicants. She further alleged that she was regularly insulted by the applicants after her marriage, by saying that they have brought domestic servant in their house and demanded dowry from her. In respect of her sister-in-law, it

is alleged that some times she used to visit her house and instigate her children against her as well as abused her for no reason. As such on the basis of these allegations, the FIR came to be registered against the present applicants.

4. The present applicants are the father-in-law, mother-in-law, sister-in-law of the informant. It is their submission that allegations levelled against them are absurd, vague and false. By no stretch of imagination, offence is made out against them on the basis of such absurd allegations, and therefore, FIR registered against them is liable to be quashed and set aside.

5. Learned Addl. Public Prosecutor strongly opposed the application by stating that the allegations levelled against the applicants *prima facie* attracts the offence under Section 498A of the IPC and investigation is in progress and therefore, at this stage, the FIR could not be set aside.

6. Learned Counsel for the non-applicant no. 2 also supports the submission of the learned Addl. Public Prosecutor and reiterated the allegations which the informant has made in her police complaint and relied upon the affidavit filed by the informant in the matter.

7. We have heard both the parties and perused the entire record. On perusal of the FIR it reveals that allegation against the applicants are that they have treated her as domestic servant, instigated her husband to give ill treatment to her, and as and when sister-in-law used to come to her house, a demand of dowry would make. As such, the allegations against the present applicants are vague and omnibus. There is no date, time, place mentioned nor it is clarified that how she was harassed at the instance of the applicants. Hence, *prima facie* it is clear that the FIR lacks concrete and precise allegations against the present applicants.

8. The Hon'ble Supreme Court in the case of ***Dara Lakshmi Narayana and ors. vs. State of Telangana and anr. (2024) 12 S.C.R. 559*** has observed thus :

“..mere reference to the names of family members in a criminal case arising out of matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognized fact, borne out of judicial 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. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and to avoid unnecessary harassment of innocent family members”.

9. From perusal of the FIR what we quite considered that the allegations against the applicants are only about the instigation to the husband of the non-applicant no.2. But again, it is not clear from the FIR as to how and in what manner the present applicants had instigated the husband of non-applicant no.2 to cause harassment to her. As such, according to us, allegations against the applicants are vague and omnibus in nature. On the basis of such vague allegations, in our considered opinion, no offence is made out against the present applicants. Accordingly, we pass the following order:

- (a) The Criminal Application is allowed.
- (b) First Information Report ('FIR') No.91 of 2024 registered with the Ajani Police Station, Nagpur City for the offence punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code , is hereby quash and set aside against the present applicant.

10. Fees of the appointed Counsel be paid as per Rules.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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