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

CRIMINAL APPLICATION (APL) NO.874 OF 2024

1. Bhushan s/o Ramesh Ingle,
Aged about 33 Years,
Occupation : Private,
[Husband]
2. Ramesh s/o Murlidhar Ingle,
Aged about 62,
Occupation : Nil,
[Father-in-law]
3. Sou. Mangala w/o Ramesh Ingle,
Aged about 55 Years,
Occupation : Household.
[Mother-in-law]
Nos.1 to 3 R/o. Plot No.45,
Mahalaxmi Colony N-2,
Sidco, Aurangabad, District Aurangabad.

Applicant Nos.1 to 3
are deleted as per
Courts Order dated
20.06.2024.

4. Sou. Ashwini w/o Yogesh Shinde,
Aged about 37 Years,
Occupation Household.
5. Yogesh s/o Devidas Shinde,
Aged about 43 Years,
Occupation : Private,
Nos. 4 and 5 are R/o V.C. 20,
Vishnu Nagar Jawahar Colony,
Aurangabad, District Aurangabad.
6. Sou. Sunita w/o Nirmalkumar Sutar,
Aged about 35 Years,
7. Nirmalkumar s/o Subhash Sutar,
Aged about 37 Years,
Occupation : Private.
Nos. 6 and 7 are R/o. Plot No. B-103,
Swaraj Residency, Gat No.209/2012,
behind Moshi Chikhli Road, D-Mart,
Borhade Moshi Haveli,
Pune.

[Sister-in-law]

[Brother-in-law]

[Sister-in-law]

[Brother-in-law]

.... APPLICANTS

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// VERSUS //

1. State of Maharashtra,
Through its Police Station,
Police Station, Deulgaon Raja,
Tahsil Deulgaon Raja,
District Buldana.
2. Sau. Subhangi w/o Bhushan Ingle,
(Shubhangi Ramdas Bholankar),
Office address: Maharashtra
Co-operative Development Corporation,
Sakhar Sankul, Narveer Tanaji Wadi,
Shivaji Nagar, Pune – 411005. **NON-APPLICANTS.**

Ms. Manju M. Ghatode, Counsel for the applicants.
Ms. Shamshi Haider, APP for non-applicant No.1/State.
Mr. Sanket Jadhav Counsel h/f Mr. K. S. Agrawal, Counsel for
the non-applicant No.2.

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 08/10/2025**

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 applicant is preferred by the applicants for
quashing of the First Information Report in connection with
Crime No.247/2023 dated 19.07.2023 registered with Police
Station Deulgaon Raja, District Buldhana for the offence
punishable under Sections 498-A, 504 and 506 read with Section
34 of the Indian Penal Code.

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4. During pendency of the application, the names of the applicant Nos.1 to 3 are deleted and now the application pending before this Court is for the applicant Nos.4 to 7, who are brother-in-law and sister-in-law of the informant.

5. The crime is registered on the basis of a report lodged by the non-applicant No.2 informant Subhangi Ingle on an allegation that her marriage was performed with Bhushan Ramesh Ingle on 12.05.2018, after the marriage, she resumed the cohabitation at the house of the present applicants, but she was not treated well for the unlawful demand as well as for the domestic reasons. As far as the present applicant Nos.4 to 7 are concerned, it is alleged that they used to induce and instigate the husband as well as in-laws and on their instigation, the other co-accused used to harass her. On the basis of the said report, police have registered the crime against the present applicants.

6. Heard learned Counsel for the applicants, who submitted that as far as the allegation is concerned, which is general in nature and mere statement that they were instigating the other co-accused is not sufficient to attract the offence against them. She submitted that considering the nature of the allegation levelled against the present applicant Nos.4 to 7, which is omnibus in nature and therefore, the application deserves to be allowed.

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7. Learned APP and learned Counsel for the non-applicant No.2 / informant strongly opposed for the same and submitted that considering the statement of the informant as well as her relatives, offence is made out against the present applicant Nos.4 to 7 and therefore, the application deserves to be rejected.

8. On careful scrutiny of the charge sheet which shows that the general, omnibus and stereotype allegations are levelled as far as the applicant Nos. 4 to 7 are concerned that they used to instigate the other accused for ill-treating the informant. 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 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

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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. In the case of **Kahkashan Kausar @ Sonam vs The State of Bihar** reported in **(2022) 6 SCC 599**, the Supreme Court after taking stock of various decisions, rendered by the Supreme in the subject matter, observed in para 17 as under:

"The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC 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."

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10. In the light of the above observations, if the facts and circumstances of the present case are taken into consideration, admittedly, only allegation is that they used to instigate the other co-accused to ill-treat the informant, there is no substance in the contention as no specific instances are narrated by the informant as far as the instigation at the part of the present applicants are concerned. The Hon'ble Apex Court further considered the aspect of implicating all family members in such type of offence in the case of **Dara Lakshmi Narayana and others vs. State of Telangana and another [MANU/SC/1309/2024]**, 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 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.

11. Here in the present case also, it is apparent that due to the dispute between the spouses, the applicants, who are sister-in-law and brother-in-law are implicated in the alleged offence on the basis of general and omnibus allegations. In view of that, the application deserves to be allowed. Accordingly, we proceed to pass following order:

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ORDER

(i) The application is **allowed**.

(ii) The First Information Report in connection with Crime No.247/2023 registered with Police Station Deulgaon Raja, District Buldhana for the offence punishable under Sections 498-A, 504 and 506 read with Section 34 of the Indian Penal Code and consequent proceeding out of the same RCC No.13/2024 pending before the learned Judicial Magistrate First Class, Deulgaon Raja, District Buldana, are hereby quashed to the extent of applicant No.4 to 7.

The application is disposed of accordingly.

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