



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 669 OF 2024

1. Digambar S/o. Haridas Raut (Husband)
Age 34 yrs, Occu : Service,
2. Haridas S/o. Narayan Rao Raut
(Father-in-law)
Age- 78 yrs, Occu : Retired,
3. Sau. Veena W/o. Haridas Raut,
(Mother-in-law)
Age – 61 years, Occu. Household,
4. Suraj S/o. Haridas Raut,
(Brother-in-law)
Age 35 yrs, Occu : Service,
5. Sau. Pooja w/o. Suraj Raut,
(Sister-in-law)
Age 29 yrs, Occu : Household,

All are R/o. S.No.221/1, P. No.20,
Radhaswami Colony, Jatwada Road,
Harsul, Aurangabad.

.... **APPLICANTS.**

// **VERSUS** //

1. State of Maharashtra,
Through its PSO, PS
Badnera, Distt. Amravati.
2. Shruti w/o. Digambar Raut,
Age – 28, Occu. -Household,

R/o. Lakadganj, Navi Basti,
Badnera, Amravati, Tal & Distt.
Amravati.

.... **RESPONDENTS.**

Shri Nasimoddin R. Shaikh, Advocate for Applicants.
Shri N.H. Joshi, A.P.P. for Respondent No.1/State.
None for Respondent No.2.

CORAM : ANIL S. KILOR AND
VRUSHALI V. JOSHI, JJ.

DATED : JUNE 27, 2025.

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard learned counsel for the applicants and the learned A.P.P. for the respondent/State. None for the respondent No.2, though served long back.

2. **RULE.** Rule made returnable forthwith. Heard by consent of the learned counsel appearing for the parties.

3. By the present application filed under Section 482 of the Code of Criminal Procedure, a prayer is made to quash and set aside the First Information Report bearing Crime No.138 of 2021 dated 20/02/2021, registered with Police Station, Badnera, District: Amravati for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and the applicants also prayed for quashing of the proceedings bearing Regular Criminal Case No.1113 of 2021 pending on the file of Judicial Magistrate First Class, Amravati.

4. The applicant No.1 is the husband, applicant No.2 is the father-in-law, applicant No.3 is mother-in-law, applicant No.4 is brother-in-law and applicant No.5 is sister-in-law of the respondent No.2.

5. From the report submitted by the respondent No.2, which is the basis for registration of the offence, it is evident that the vague and general allegations are being made. There are no specific allegations against any of the applicants. As far as the applicant No.1/ husband is concerned, the complainant discloses the fact that he had extra-marital affairs with some girl. But, there are no details or any other information given in the complaint. As far as in-laws are concerned, except the allegation that they ill-treated or harassed the respondent No.2, there is not a single instance mentioned in the complaint which would *prima-facie* show they are involved in the alleged offence.

6. The Hon'ble Supreme Court of India in the case of *Dara Lakshmi Narayana & Others ..vs.. State of Telangana & Another*, reported in (2024) 12 S.C.R. 559 has held thus :

“25. 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 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 avoid unnecessary harassment of

innocent family members. In the present case, appellant Nos.2 to 6, who are the members of the family of appellant No.1 have been living in different cities and have not resided in the matrimonial house of appellant No.1 and respondent No.2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.”

7. In the teeth of the above referred observations of the Hon’ble Supreme Court of India, as we have already observed that the allegations against the applicants are vague and generalized and there is no evidence available to *prima facie* show that there was harassment or ill-treatment to the respondent No.2. Thus, considering the scope of Section 498-A of the Indian Penal Code and the nature of the allegations, it is evident that even if the allegations made in the F.I.R. are taken at its face value, no offence constitutes, as alleged against the applicants.

8. In that view of the matter, when no offence constitutes against the applicants, it would be unfair to compel the applicants to face the trial, otherwise, it would amount to abuse of process of law.

9. In the circumstances, though the learned APP opposed the application, we are of the opinion that the application needs to be allowed. Accordingly, we pass the following order :

- i) The Criminal Application is allowed.
- ii) The First Information Report bearing Crime No.138 of 2021 dated 20/02/2021, registered with Police Station, Amravati City for the offences punishable under Sections 498-A and 34 of the Indian Penal Code and the consequential proceedings bearing Regular Criminal Case No. 1113 of 2021 pending on the file of Judicial Magistrate First Class, Amravati, are hereby quashed and set aside.

Rule is made absolute accordingly.

(VRUSHALI V. JOSHI, J)

(ANIL S. KILOR, J)

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