



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

CRIMINAL APPLICATION [APL] NO.655 OF 2023

1. Smt. Chitra wd/o Sheshrao Sukalikar
(Patil) (Mother-in-law)
Age 59 years, Occ : Household.
2. Abhijeet s/o Sheshrao Sukalikar (Patil)
Age 40 years, Occ : Agriculture. (Brother-in-law)
3. Ashwini w/o Abhijeet Sukalikar (Patil)
Aged 30 years, Occ : Household. (Sister-in-law)

All R/o. Near Bobade Milk Dairy,
Adarsh Colony, Hirabai Plot,
Akola.

.. Applicants

.. Versus ..

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Khadan,
District-Akola.
2. Sau. Kavita Ranjitb Sukalikar Patil,
Age 32 years, Occ. Household.
R/o. Kutkhed, Tq. Morshi, Dist. Amravati. .. Non-Applicants

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Shri Nikhil R. Tekade, Advocate for Applicants.
Shri N.H. Joshi, APP for Non-Applicant No.1/State.
Ms. Deepa I. Charlewar, Advocate (Appointed) for Non-Applicant
No.2.

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CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.
DATED : MAY 05, 2025.

ORAL JUDGMENT [Per : Pravin S. Patil, J.]

1. **Rule.** Rule is made returnable forthwith. By consent of the learned Counsel for the parties, the matter is taken up for final disposal.

2. By this application, the applicants are seeking to challenge the proceeding of Regular Criminal Case No.889/2022 pending before the learned Judicial Magistrate, First Class, Akola arising out of chargesheet dated 17.03.2022 registered vide Crime No.236/2022 for the offence punishable under Sections 498-A, 294, 323, 504, 506 r/w 34 of the Indian Penal Code.

3. The present applicants are mother-in-law, brother-in-law and sister-in-law of non-applicant no.2. It is their submission that as per the first information report and chargesheet there are no specific allegation levelled against them. The allegations which are raised are of vague and general in nature. Hence, no case is made out against them under Sections 498-A, 294, 323, 504, 506 r/w 34 of the Indian Penal Code. Hence, they requested to quash and set aside the criminal proceeding registered against them.

4. The learned Additional Public Prosecutor and Non-Applicant No.2 strongly opposed the application stating that during investigation sufficient material has been collected and statements of independent persons were recorded in the alleged offence. As such, on the basis of such material, chargesheet has been filed in the matter, therefore, it is not a fit case to show indulgence at this stage of the matter.

5. We have perused the record and considered the rival submissions made before us by both the parties.

6. From the perusal of the first information report and the chargesheet, it is clear that the marriage of the non-applicant no.2 with accused no.1 Ranjit was solemnized on 10.12.2010. According to own averment of the non-applicant no.2, she was not subjected to any harassment on the count of dowry or any other issues till the year 2021. As such, for 11 years, she has cohabited with her husband and family members without any grievance.

7. It is further pertinent to note that the non-applicant no.2, after the period of 12 years, lodged police complaint against the present applicants mainly on the allegation that at the time of her marriage proper arrangement was not made. As such, prima facie, such allegation after a period of 12 of marriage, can't be accepted.

Furthermore, allegation made by non-applicant no.2 is vague and omnibus in nature. Therefore, according to us, prima facie the prerequisites of Section 498-A of IPC are not satisfied in the present matter.

8. Hon'ble Supreme Court of India in the case of ***Dara Lakshmi Narayana and others .vs. State of Telangana***, reported in ***2024 SCC Online SC 3682***, while considering somewhat identical issue observed 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.

9. In the teeth of above observations of Hon'ble Supreme Court of India and the reasons recorded above, we are of the considered opinion that the allegation made against the applicants seems to be motivated by a desire for retribution rather than a legitimate grievance. Hence, in the backdrop of above circumstances, allowing the prosecution against the present applicants would be an abuse of

process of law and, therefore, indulgence of this court is necessary in the matter. Hence, we proceed to pass the following order :

O R D E R

(i) Criminal Application is allowed.

(ii) The proceeding of Regular Criminal Case No.889/2022 pending before the learned Judicial Magistrate, First Class, Akola arising out of chargesheet dated 17.03.2022 registered vide Crime No.236/2022 for the offence punishable under Sections 498-A, 294, 323, 504, 506 r/w 34 of the Indian Penal Code, is hereby quashed and set aside.

10. The fees of the learned counsel appointed on behalf of non-applicant no.2 be paid as per the Rules.

11. Rule is made absolute in the above terms.

(Pravin S. Patil, J.)

(Anil S. Kilor, J.)