



(1)

5 apl 523-2025

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

CRIMINAL APPLICATION (APL) NO.523 OF 2025

Piyush Pramod Dhapare

Vs.

The State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Y.B. Mandpe, Advocate for applicant
Shri A.G. Mate, APP for non-applicant/State

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**
DATED : 19.12.2025

The present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No. 0384/2024, registered under Sections 498-A, 504, 323 read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing RCC No. 2923/2025 pending before the 5th Joint Civil Judge Junior Division, Nagpur.

2. The crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that her marriage was performed with the applicant No.1 on 16.05.2017. After marriage, she resumed cohabitation at the house of the present applicant. The applicant No.1 was

serving in the Bank of India, at the relevant time in Mumbai. However, he has never accepted her as his wife, and the other applicants were also ill-treating her, torturing her for various reasons. She further alleged that her mother-in-law was taunting her for any trifle reasons, and the other applicants were instigating her husband for ill-treating her. As far as applicant No. 5 is concerned, as per the allegation, the applicant No.1 was having an illicit relation with her, and on that count, she was ill-treated.

3. Learned Counsel for the applicant submitted that considering the general, omnibus and vague allegation levelled against all the applicants merely because there was a dispute between the husband and wife. As far as the allegations are concerned, which are not specific in nature in narrating any specific instances. It also nowhere shows any willful conduct on the part of the present applicants and therefore the offence under Section 498-A is not made out. In view of the application deserves to be allowed.

4. Per contra, the learned Additional Public Prosecutor strongly opposed the same and submitted that, considering the statements of the informant, which specifically state about the ill-treatment at the hands of the present applicants and therefore the application deserves to be rejected. Learned Counsel for the non-applicant No.2 reiterated the said contentions and prayed for the rejection of the application.

5. On hearing both the sides and on perusal of the recitals of the First Information Report and the investigation papers, it reveals that marriage took place on 16.05.2017 at that time applicant No.1 was staying at Mumbai and the non-applicant No.2 was also studying at Mumbai. In the year 2018, as her husband was transferred, therefore she came to stay at Nagpur. Admittedly, the other applicants were residing separately at Nagpur. As far as the allegations against the non-applicant Nos. 2 to 5 are concerned, which are general, omnibus, and vague in nature. No instances are narrated against them. The allegation against them is also of a wear and tear in nature. Considering the nature of the allegation levelled against the applicant Nos. 2 to 5, no willful conduct is no willful conduct is apparent from their contact *prima facie*. Thus, considering the aspect that no specific instances are narrated and there is no overt act attributed to the present applicants, the application deserves to be allowed to the extent of applicant Nos. 2 to 5. However, the prayer of the applicant No.1, considering the *prima facie* allegation against him, for quashing of the First Information Report deserves to be rejected. Accordingly, we proceed to pass the following order.

ORDER

- i) The application is partly allowed.
- ii) The First Information Report in connection with Crime No. 0384/2024, registered under Sections 498-A 504, 323 read with Section 34 of the Indian Penal Code and the

consequent proceeding arising out of the same bearing RCC No. 2923/2025 pending before the 5th Joint Civil Judge Junior Division, Nagpur, is hereby quashed and set aside to the extent of the applicant Nos. 2 to 5, i.e. applicant No.2 – Pramod Rekhchand Dhapare, 3 – Bhavna Pramod Dhapare, 4 – Ashwini Anand Dugad, 5 – Shweta Suresh Chavrewar.

iii) The prayer of the applicant No.1 – Piyush Pramod Dhapare, for quashing of the First Information Report is rejected.

6. The application is disposed of

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

Jayashree..