



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

CRIMINAL APPLICATION (APL) NO.888 OF 2022

Sandip Rajaram Patil and others

Vs.

State of Maharashtra, through Police Station Officer, Police Station
Ralegaon, District Yavatmal and another

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

Court's or Judge's orders

Mr. A. A. Dhawas, Advocate for applicants.
Ms. S. V. Kolhe, APP for non-applicant No.1/State.
Mr. G. K. Bhusari, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 25/11/2025

1. Present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No.126/2022 registered with Police Station Ralegaon, District Yavatmal for the offence punishable under Sections 498-A, 504 and 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing RCC No.39/2022 pending before the Judicial Magistrate First Class, Ralegaon, District Yavatmal.

2. The applicants who are the husband, in-laws, sister-in-law and brother-in-law of the informant approached this Court for quashing of the FIR by filing this application under Section 482 of the Code of Criminal Procedure. They are arraigned as an accused on the basis of a report lodged by the informant -- non-applicant No.2, on an allegation that her

marriage was performed with the applicant No.1 on 06.04.2021. After marriage, she resumed cohabitation at the house of the present applicants. But she was not treated well and her husband and her sister-in-law were taking suspicion about her character as well as she was ill-treated by her husband on various reasons and the other applicants were instigating him, and on that count, he was assaulting her and physically and mentally torturing her. On the basis of the said report, police have registered the crime against the present applicants.

3. Heard learned counsel for the applicants, who submitted that as far as the applicant No.1 is concerned, he is withdrawing the application with liberty to avail the appropriate remedies under the law. As far as the applicant Nos.2 to 5 are concerned, he submitted that general and omnibus allegations are levelled against them. No specific instances are narrated by the informant as far as the ill-treatment at their hands is concerned. He invited our attention towards the recitals of the FIR as well as various statements and submitted that except the general and omnibus allegations, no specific instances are narrated by the informant as far as the ill-treatment at the hands of the applicant Nos.2 to 5 are concerned. He submitted that the applicant No.4 is married long back and staying at her husband's house and there is no reason for her to visit the house of the applicant No.1 and non-applicant No.2 and to ill-treat her. She is residing at Wardha, whereas the other applicants are residing at Yavatmal. Now, considering the omnibus and baseless allegations, the continuation of proceedings against them

would be an abuse of the process of law. In view of that, he prays for the quashing of the FIR.

4. Per contra, learned APP strongly opposed the said contentions and invited our attention towards the medical certificate as well as the various statements of the witnesses and submitted that the medical certificate clearly discloses that she was assaulted and therefore, she has sustained the injuries. The statement of the witnesses also discloses the act of the present applicants and the offence under Section 498-A of IPC is made out against the present applicants, and therefore, the application deserves to be rejected.

5. Learned counsel for the complainant reiterated the said contentions and submitted that not only the assault on the part of the applicant No.1, but the allegation is levelled against the other applicants also. Thus, considering the *prima facie* case, the application deserves to be rejected.

6. On hearing both sides and on perusal of the investigation papers, it reveals that the allegation levelled against the present applicants is that they being the relatives of the husband, ill-treated the informant for various reasons including suspecting her character. Section 498-A of the Indian Penal Code prescribes punishment where a woman is subjected to cruelty by her husband or his relatives. The offence is punishable with imprisonment for a term which may extend to three years and also provides for fine. The Explanation appended to the provision defines "cruelty" in two parts. Clause (a) refers to wilful conduct which is of such a

nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to her life, limb or health, whether mental or physical. Clause (b) expands the scope of the term to include harassment with a view to coercing the woman or her relatives to meet any unlawful demand for property or valuable security, or on account of failure to meet such demand.

7. A bare perusal of the FIR and the material placed on record it reveals that as far as the specific allegation is concerned, which is against the husband i.e. applicant No.1. The allegation of assault or torturing is also against the husband. As far as the present applicant Nos.2 to 5 are concerned, against them the only general and omnibus allegations are levelled in a straight sentence that they were also ill-treated her.

8. This aspect is now considered by the Hon'ble Apex Court in catena of decisions in **Preeti Gupta Vs. State of Jharkhand, reported in (2010) 7 SCC 667** wherein the Apex Court observed in para. 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 increase in the number of genuine

cases of dowry harassment are 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 **Kahkashan Kausar Vs. State of Bihar reported in (2022) 6 SCC 599**, the Supreme Court after taking stock of various decisions, rendered by the supreme Court 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."

10. The Hon'ble Apex Court further considered the tendency of roping all the family members in the offence like 498-A. In **Mange Ram Vs. State of Madhya Pradesh and Ors., MANU/SC/1066/2025** by referring the earlier decision in **Dara Lakshmi Narayana vs. State of Telangana, MANU/SC/1309/2024**, wherein the Hon'ble Apex Court has made it 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. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law.

11. In view of the above observation of the Hon'ble Apex Court and considering the facts of the present case, it reveals that general and omnibus allegation is levelled as far as the applicant Nos.2 to 5 are concerned, and therefore, the application deserves to be allowed partly. Accordingly, we proceed to pass following order:

ORDER

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

(ii) The First Information Report in connection with Crime No.126/2022 registered with Police Station Ralegaon, District Yavatmal for the offence punishable under Sections 498-A, 504 and 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing RCC No.39/2022 pending before the Judicial Magistrate First Class, Ralegaon, District Yavatmal, is hereby quashed and set aside to the extent of applicant Nos.2 to 5.

(iii) The prayer of the applicant No.1 is not considered as the application is withdrawn for applicant No.1 with liberty to file an appropriate proceeding.

(7)

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The application is disposed of in the above said terms.

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

Sarkate