



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION NO.830 OF 2024

Harshlata d/o Shrikrushna Nathe, aged
about 33 years, Occ. Advocate, r/o c/o
T-1, Venkatesh Apartment, Behind of
Central Bank, Akola Road, Akot, Tq.
Akot, Dist. Akola.

... APPLICANT

VERSUS

1. State of Maharashtra, through Police
Station Officer, P.S. Shivaji Nagar,
Khamgaon, Dist. Buldhana.
2. Preeti w/o Sudhir Nathe, aged about
31 years, Occ. House hold, r/o
Behind Tulsi Dhaba, Pavan Putra,
Khamgaon, Shivaji Nagar,
Khamgaon, Dist. Buldhana.

... NON-APPLICANT(S).

Shri A.B. Mirza, Advocate for the applicants.
Mrs. S.S. Deshmukh, Additional Public Prosecutor for the State.
Shri S.S. Sohoni, Advocate for non-applicant no. 2.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.
DATE : 23.04.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

RULE. Rule made returnable forthwith.

2. By this application the applicant is seeking quashing of First Information Report ('FIR') No.123 of 2024 registered with the Shivaji Nagar Police Station, Buldhana for the offence punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. Non-applicant no.2 lodged the complaint on 27.04.2024 out of her matrimonial discord alleging that the present applicant who is the sister-in-law of non-applicant no.2 instigated her husband to cause her physical and mental harassment and also demanded dowry from her. As such, on the basis of these allegations, FIR came to be registered against the applicant in the matter.

4. Learned Addl. Public Prosecutor strongly opposed the application by stating that the allegations levelled against the applicant *prima facie* attracts the offence under Section 498A of the IPC and investigation is in progress. The learned Counsel for the non-applicant no. 2 supports the submission of the learned Addl. Public Prosecutor and reiterated the allegations which the informant has made in her

police complaint and relied upon the affidavit filed by the informant in the matter.

5. We have heard both the parties and perused the entire record.

6. Perusal of the FIR clearly established the fact that the present applicant, sister-in-law of the non-applicant no.2, is residing at Akola, whereas, non-applicant no.2/informant was residing with her husband at Amboda, Tq. Akot, District Akola.

7. Furthermore, the allegations against the present applicant are that in the month of September, 2021, the applicant along with father-in-law and mother-in-law of the informant demanded Rs.5 lakhs from Non-applicant no.2 for home expenditure and abused her. And secondly, on the instigation of the applicant, on 29.09.2023, husband of non-applicant no. 2 quarreled with her and thereafter she was driven out from the house. However, non-applicant no. 2 failed to demonstrate the date, time, place as to when the demand of dowry was made by applicant. Furthermore, it is not clarified as to how the applicant instigated her husband to driven out her from house. As such, the allegations levelled by non-applicant no. 2 are vague and omnibus in nature.

8. The Hon'ble Supreme Court in the case of ***Dara Lakshmi Narayana and ors. vs. State of Telangana and anr. (2024) 12 S.C.R. 559***

has observed thus :

“..mere reference to the names of family members in a criminal case arising out of matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognized 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 to avoid unnecessary harassment of innocent family members”.

9. In the teeth of above observation of the Hon'ble Supreme Court and perusal of FIR, according to us, allegations against the applicant are vague and omnibus in nature. We found that allegations made in the FIR seems to be motivated by a desire for retribution rather than a legitimate grievance. Hence, in our considered opinion, no offence is made out against the present applicant. Accordingly, we proceed to pass the following order:

(a) The Criminal Application is allowed.

(b) First Information Report ('FIR') No.123 of 2024 registered

with the Shivaji Nagar Police Station, Buldhana for the offence punishable under Sections 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code, is hereby quash and set aside against the present applicant.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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