



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

CRIMINAL APPLICATION (APL) NO.671 OF 2020

APPLICANT(S) : 1) **Sheikh Moinuddin Shaikh Madas,**
Aged about 75 years, Occu: Nil.

2) **Khairunisa Begam Sheikh Moinuddin,**
Aged about 70 years, Occu: Nil.

3) **Rubina Shaikh Rauf Sheikh,**
Aged about 50 years, Occu: Housewife,
All are R/o Pusad Tah. Pusad, Dist.
Yavatmal.

..VERSUS..

NON-APPLICANT(S) : 1) **The State of Maharashtra,**
through Police Station Officer, Police
Station Awadhootwadi, Yavatmal, Dist.
Yavatmal.

2) **Sheikh Shabnam Sheikh Tarik,**
Aged about 36 years, Occu: Housewife
R/o Jafar Nagar, Pandharkawada Road
Yavatmal.

Mr. K.S. Narwade, Advocate for Applicant/s.
Mr. Amit Chutke, APP for the non-applicant No.1/State

CORAM : **ANIL S. KILOR AND PRAVIN S. PATIL, JJ.**

DATE : **5th May, 2025**

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

1. Heard.

2. **Rule.** The Rule is made returnable forthwith. Heard

finally by consent of learned counsel for the respective parties.

None appeared for the non-applicant No.2, though served.

3. This is an application filed under Section 482 of the CrPC for quashing and setting aside the charge-sheet, bearing No.55 of 2021 dated 08.04.2021, filed in Regular Criminal Case No.1964 of 2021, arising out of the First Information Report (FIR) No.619 of 2020 dated 23.09.2020, registered with Police Station Awadhootwadi, Yavatmal, for the offences punishable under Sections 498A, 323, 504, 506 and read with Section 34 of the IPC.

4. The applicant No.1 is the father-in-law, the applicant No.2 is the mother-in-law and the applicant No.3 is the sister-in-law of the non-applicant No.2-complainant. To examine the argument advanced by the learned counsel for the applicants that the allegations against the applicants are vague and general in nature, however, the main allegations are against the husband of the non-applicant No.2, we perused the charge-sheet and the statements recorded during the investigation. It is evident from the report and the statements of the witnesses

that the allegations against the applicants are vague and generalise. There are no specific incidents stated in their statements or in the report.

5. It is beneficial to refer to the judgment of the Hon'ble Supreme Court, in the case of ***Dara Lakshmi Narayana vs The State Of Telangana***¹, which reads thus:

“28. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again,

¹ [2024] 12 S.C.R. 559

cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

*29 to 30. (***)*

31. Further, this Court in Preeti Gupta vs. State of Jharkhand (2010) 7 SCC 667 held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment by the husband's close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection."

6. From the above referred observations of the Hon'ble Supreme Court, it is evident that if the Court is convinced by the fact that the involvement by the complainant of her husband and his close relatives is with an oblique motive then even if the FIR and the chargesheet disclose the commission of a cognizable offence, the Court with a view to doing substantial justice should read in between the lines the oblique motive of the complainant and take a pragmatic view of the matter.

7. It is further evident that to get the FIR or the

criminal proceedings quashed, essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive of wreaking vengeance, then the Court owes a duty to look into the FIR with care and a little more closely.

8. It is apparent from the report filed in the present matter that the same came to be filed against the applicants to pressurize them. This tactic of filling vexatious proceedings against the family members of the husband to rope them in frivolous criminal matters has been deprecated by the Hon'ble Supreme Court of India time and again.

9. Thus, considering the fact that the present complaint is nothing but a tactic to pressurize the family members of the husband, if the trial Court is permitted to continue the trial, it would be an abuse of process of law. Therefore, we are of the considered view that this is a fit case for quashing and setting aside the charge-sheet against the applicants. Accordingly, we pass the following order:

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

(ii) The charge-sheet, bearing No.55 of 2021 dated 08.04.2021, filed in Regular Criminal Case No.1964 of 2021, arising out of the First Information Report (FIR) No.619 of 2020 dated 23.09.2020, registered with Police Station Awadhootwadi, Yavatmal, for the offences punishable under Sections 498A, 323, 504, 506 and read with Section 34 of the IPC, is hereby quashed and set aside, against the present applicants.

Rule accordingly.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)