



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

CRIMINAL APPLICATION (APL) NO.654 OF 2025

[Manisha W/o. Devanand Khade and Anr. **..Vs..** State of Maharashtra and
Anr.]

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

Court's or Judge's order

Mr H. A. Rewatkar, Advocate for Applicants.
Ms S. V. Kolhe, Addl. P. P. for Non-Applicant/State.
Ms K. Shekar, Adv. h/f Mr R. S. Kurekar, Advocate for Non-Applicant No.2.

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

DATE : **4th NOVEMBER, 2025.**

. Heard.

2. The present application is filed by the applicants for quashing of the First Information Report No.5 of 2024 dated 04.01.2024 registered with Police Station Washim Rural, District Washim for the offences punishable under Section 498-A, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 and consequent proceedings arising out the same bearing Regular Criminal Case No.240 of 2024 pending before the Court of Judicial Magistrate First Class, Washim.

3. The crime is registered on the basis of a report lodged by non-applicant No.2 informant - Rupali Mangesh Kamble on an allegation that the present applicants i.e. applicant No.1 - sister-in-law and applicant No.2 – the husband of the sister-in-law of the non-applicant No.2 used to physically and mentally tortur her. On 24.04.2022, marriage of the informant – non-applicant No.2 was performed with

one Mangesh Nagorao Kamble. After marriage, she resumed cohabitation at the house of her husband. As per her allegations, her husband was serving at Pune and he has not taken her at Pune to stay alongwith him. Thereafter, there was a demand of Rs.3 lakhs from the family members of her husband and as the said demand was not fulfilled, she was ill-treated not by the husband but the present applicants. The present applicants used to instigate her husband and on their instigation, informant's husband was harassing her. It is further alleged that subsequently, informant's husband also demanded Rs.7 lakhs from her parents and due to non fulfillment of the said demand, she was ill-treated physically as well as mentally. On the basis of report lodged by the informant, police have registered the crime against the present applicants.

4. Heard Mr. H. A. Rewatkar, learned counsel for the applicants who submitted that the marriage of the present applicants performed prior to the marriage of the informant with the brother of the present applicant No.1. Merely, because there was a dispute between the husband and wife, the present applicant being sister of the informant's husband implicated falsely in the alleged crime. He invited our attention to one complaint which was filed by the present applicant No.1 against the father of the informant alleging that they are harassing her as well as her husband due to the dispute between the daughter and son-in-law. Thus, he submitted that merely, because the applicant No.1 is the sister of informant's husband, she implicated falsely in the alleged crime on the basis of general, vague and omnibus allegations regarding the ill-treatment for demand of money.

5. At this stage, a reference can be given to Section 498-A of I.P.C., which reads as under :

“498-A. Husband or relative of husband of a woman subjecting her to cruelty.— *Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

Explanation.— For the purpose of this section, “cruelty” means-

(a) any 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 life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

6. It is observed by the Hon’ble Apex Court in the case of **Preeti Gupta and Another vs. State of Jharkhand and Another**, reported in (2010) 7 SCC 667 wherein, it is held that “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 like of a large number of people of the society”.

7. It is a matter of common experience that most of these complaints under Section 498-A of the I.P.C. are filed in the heat of the moment over trivial issues without proper deliberations. We came

across a large number of such complaints 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.

8. 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 harassment, agony and pain to the complainant, accused and his close relations.

9. This aspect was further considered by the Hon'ble Apex Court in the recent judgment *Manga Ram vs State of Madhya Pradesh*, reported in *Manu/SC/1066 of 2025* wherein, it is held that the 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 husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses.

10. In the light of the above observations, if the facts of the present case and the investigation carried out by the investigating officer is seen, it reflects that general allegations are levelled against the present applicants. No specific instances are narrated either by the informant or nay of the witnesses. Thus, merely because the applicant No.1 is the sister of the husband of the informant, she appears to have been implicated on general and baseless allegations. Considering the nature of the allegations levelled against her, no *prima facie* case is made out and therefore, application deserves to be allowed. Accordingly, we proceed to pass the following order :

ORDER

- i) The criminal application is **allowed**.
- ii) The First Information Report in connection with Crime No.5 of 2024 registered with Police Station Washim Rural, District Washim for the offences punishable under Sections 498-A, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 and consequent proceedings arising out the same bearing Regular Criminal Case No.240 of 2024 pending before the Court of Judicial Magistrate First Class, Washim are hereby disposed of to the extent of the present applicants.

11. The criminal application is disposed of accordingly.

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