



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

Criminal Application (APL) No. 1015 of 2023

1. Shubham S/o Sanjay Umale,
Aged about 26 years, Occ. Service
2. Kalpana W/o Sanjay Umale,
Age 49 years, Occ. Housewife
3. Megha D/o Sanjay Umale,
Aged 29 years, Occ. Service
4. Sanjay S/o Jaganath Umale,
Aged 54 years, Occ. Self Employed
Applicant Nos. 1,2,3 and 4 R/o Plot No.5
Shivanand Height Priyanka Park, Tidke
Nagar, Nasik
5. Umesh S/o Namdev Thotange
Age : 49 years, Occ. Agriculturist
R/o Pripe Mandak, Karanja, Washim
6. Vijay S/o Motirao Wath,
Age : 43 years, Occ. Agriculturist,
R/o Balora, Chandurbazar, Amravati

... Applicants

// VERSUS //

1. State of Maharashtra through Police Station
Officer, Police Station Chandur Bazar, District
Amravati.
2. Amruta W/o Shubham Umale,
Aged about 26 years, Occ. Housewife,
R/o Tidke Nagar, Nashik,
At Present C/o Madhukar M. Sultane,
Address : Near Mahdeo Temple,
Chandurbazar, Tah. Chandurbazar, District
Amravati

... Non-applicants

Shri S.V.Sirpurkar, Advocate for the applicants.
Shri G.S.Umale, APP for the non-applicant no.1/State.
Shri C.S.Bhute, Advocate for the non-applicant no.2.

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

DATED : 9th JUNE, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

Rule. Rule is made returnable forthwith. By consent of the learned counsel for the parties, the matter is taken for final disposal.

2. By this application filed under Section 482 of Code of Criminal Procedure, the applicant is challenging Criminal Proceeding registered vide Regular Criminal Case No. 195 of 2023 pending before Judicial Magistrate First Class, Chandrapur arising out of Crime No. 111 of 2023 under Sections 498-A, 504, 506 read with Section 34 of Indian Penal Code.

3. In short, the case of prosecution is that non-applicant no.2 lodged a police report on 2nd February 2023 alleging that immediately after her marriage, she was ill-treated and subject to cruelty on the ground of not satisfying the demand of dowry of Rs,5,00,000/-. She further

alleged that she was tortured, abused and treated inhumanly on account of less dowry, by all applicants. As such, on the basis of such allegation, the offence came to be registered under Section 498-A of Indian Penal Code against the present applicants.

4. The applicants came with the submission that police complaint lodged by non-applicant no.2 dated 2nd February, 2023 is frivolous and made to implicate the family members of her husband in the web of crime. To substantiate his submission, the applicant has drawn our attention to one document place on record as Annexure-II. The said document is titled as “understanding letter” under the signature of non-applicant no.2 dated 27th February, 2022. In the said letter non-applicant no.2 stated that after her marriage with Shubham on 9th December, 2021, there was some misunderstanding on petty issue with her husband. However, by resolving the dispute and accepting her mistakes, her husband and father-in-law took her back on 20th January, 2022 at matrimonial house. She further stated that during her illness the family members of her husband has taken her care. She further apologize to the applicants for mental agony cause to them due to her behaviour.

5. In the light of above factual position, we have perused the entire record and observed that the First Information Report and other documentary evidence available on record shows that all the allegations made against the applicants are of vague and omnibus nature.

6. In the first part of complaint, she has stated that on account of dowry she was ill-treated by the husband, father-in-law and mother-in-law. In the second part of her complaint, it is alleged that distant relatives of husband had abused her and beaten her on the count that she was not taking proper care of her in-laws. She further alleged that for trivial issue, she was ill-treated by the family members of husband. However, no details of any particular instance of harassment with specific time, date, place or manner in which the alleged harassment occurred to her are given. All the allegations against the family members are absurd in nature. Hence, according to us, the pre-requisites of Sections 498-A of Indian Penal Code are not attracted in the matter against the applicants.

6. In the case of *Dara Lakshmi Narayan and Others Vs. State of Telengana*, reported in *2024(12) SCR 559* observed 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, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

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30. In the above context, this Court in *G.V. Rao vs. L.H.V. Prasad* (2000) 3 SCC 693 observed as follows:

“12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their “cases” in different courts.”

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.

7. In the present matter, from conduct of non-applicant no.2, it is clear that she has accepted all her faults and then went to cohabit with applicants. But later on again on such vague and omnibus allegation trying to implicate all family members of husband in the web of crime. Hence, considering the facts of the present case, we are of the considered opinion that complaint lodged by the non-applicant no.2 is vexatious. Hence, same deserves to be quashed and set aside. Accordingly, we proceed to pass the following order.

- i. Criminal application is **allowed**;
- ii. Regular Criminal Case No. 195 of 2023 pending before the Judicial Magistrate First Class, Chandur Bazar arising out of First Information Report vide Crime No. 111 of 2023 for the offence punishable under Sections 498A, 504, 506 read with Section 34 of the Indian Penal Code is hereby quashed and set aside against the applicant no.1 - **Shubham S/o Sanjay Umale**, applicant no. 2 - **Kalpana W/o Sanjay**

Umale, applicant no. 3 - **Megha D/o Sanjay Umale**, applicant no. 4 - **Sanjay S/o Jaganath Umale**, applicant no. 5 - **Umesh S/o Namdev Thotange** and applicant no. 6 - **Vijay S/o Motirao Wath**.

Rule is made absolute in aforesaid terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]