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

CRIMINAL APPLICATION (APL) NO.1232 OF 2022

1. Shri. Shrikant Gajanan Pendor,
Age : 32 years, Occupation : Private,
2. Smt. Tarabai Gajanan Pendor, **.. Dead..**
3. Ku. Dipika Gajanan Pendor,
Age : 34 Years, Occupation : Physiotherapist,
4. Ku. Ashwini Sidam,
Age : 32 years,
Occupation : Nil.
All 1 to 4 R/o Sai Gangotri Apartment,
Besa, Nagpur,
Tahsil and District Nagpur.

.... APPLICANTS

// VERSUS //

1. State of Maharashtra,
Through Police Station Officer,
Padoli, District Chandrapur.
2. Sau. Tina Shrikant Pendor,
(before marriage Tina @ Madhavi Bhojraj Meshram),
Aged about 27 Years,
Occupation : Housewife work,
R/o. C/o. Bhojraj Narayan
Meshram, Sai Dwarka Apartment,
Gondwana Nagar, Padoli,
Tahsil and District Chandrapur.

.... NON-APPLICANTS.

Mr. G. C. Khond, Counsel for the applicants.
Mr. M. J. Khan, APP for non-applicant No.1/State.
Mr. Sk. Sabahat Ullah Counsel h/f Ms. Poonam P. Moon,
Counsel for the non-applicant No.2.

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

DATED : 15/10/2025

ORAL JUDGMENT : [Per : URMILA JOSHI-PHALKE, J.]

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1. **Admit.**

2. Heard finally with the consent of the learned Counsel for the parties.

3. Present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No.332/2019 dated 16.11.2019 registered with Police Station Padoli, District Chandrapur for the offence punishable under Sections 498-A, 504 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing Regular Criminal Case No.78/2020 pending in the Court of 7th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Chandrapur.

4. The applicant No.1 is the husband, applicant No.2 is the mother-in-law now not alive and applicant Nos.3 and 4 are the sister-in-law. The crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that her marriage with the applicant No.1 was performed on 17.05.2019. After marriage, she resumed cohabitation, but she was subjected for the harassment at the hands of the present applicants for various reasons. The parents of the complainant had tried to pacify the dispute by making the applicants understand, but there was no change in behaviour of the applicants and therefore, she constrained to leave the matrimonial house and now she is

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residing with her parents. On the basis of the said report, police have registered the crime against the present applicants.

5. Heard learned Counsel for the applicants, who submitted that previously also the informant has lodged complaint and during investigation, it revealed that no offence is made against the present applicants, but the FIR itself was false. He submitted that as far as the allegation against the applicants Nos.3 and 4 are concerned it are general in nature and the allegation against the applicant No.1 is also false and baseless. He invited our attention towards the various statements of the witnesses recorded during the investigation and submitted that absolutely omnibus allegations are levelled against the present applicants, in view of that, the application deserves to be allowed.

6. Per contra, learned APP strongly opposed for the same and taken us through the statement of the informant which was recorded after registration of the crime in detail and submitted that the specific allegations are levelled against the present applicants, he submitted that as far as the applicant No.1 is concerned, the husband. The specific instances are narrated by the informant and therefore, the contention of the learned Counsel for the applicant that the prima facie case is not made out is not sustainable. As far as the applicant Nos.3 and 4 are

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concerned he submitted that considering there is a specific allegation against the applicant Nos.3 and 4 also that they have harassed the informant for various reasons, the application deserves to be rejected.

7. On hearing both side and on perusal of the entire investigation papers as far as the applicant No.1 husband is concerned, there is no dispute as to the fact that the informant has narrated the specific instances regarding the harassment at the hands of the applicant No.1 is concerned by dates and the nature of the instances. The applicant No.2 mother-in-law died during the pendency of this application, therefore permission is granted to delete her name. The applicant Nos.3 and 4 are concerned, against them only it is mentioned that the sister-in-laws were also harassing her as far as the specific role is concerned, nothing is mentioned either in the FIR or in a subsequent statement made before the police. Thus, the careful scrutiny of the FIR and the various statements reveals that vague, general and omnibus allegations are made as far as the applicants Nos.3 and 4 are concerned. At this stage, reference can be given to Section 498A of IPC which reads as under:

"498A. 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

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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 meet such demand."

8. All the statements are omnibus, stereotype regarding the ill-treatment at the hands of the applicant Nos.3 and 4 are concerned. At this stage, reference can be given to the observations made by the Hon'ble Apex Court in the case of **Preeti Gupta vs State of Jharkhand** reported in **(2010) 7 SCC 667** wherein the Apex Court observed in para Nos.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.

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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 is 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 the case of **Kahkashan Kausar @ Sonam vs The State of Bihar** reported in **(2022) 6 SCC 599**, the Supreme Court after taking stock of various decisions, rendered by the Supreme 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

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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. In the light of the observation of the Hon'ble Apex Court, if the allegations levelled against the applicant Nos.3 and 4 are concerned, admittedly, which are omnibus and general in nature. The aspect of implicating all the family members in such type of the offence is also considered in catena of decisions and in recent judgment in the case of **Mange Ram Vs. State of Madhya Pradesh and Ors** in **Criminal Appeal No.3470/2025** reported in **MANU/SC/1066/2025** the Hon'ble Apex Court by referring the earlier Judgment of **Dara Lakshmi Narayana and others vs. State of Telangana and another** reported in **MANU/SC/1309/2024** observed that the 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 Apex Court further 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.

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11. In the light of the above observation, if the facts of the present case as far as the applicant Nos.3 and 4 are concerned, is appreciated, admittedly, they are implicated merely because they are the sisters of the applicant No.1 and the dispute arose between husband and wife.

12. In view of the above observations, we proceed to pass following order:

ORDER

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

(ii) The First Information Report in connection with Crime No.332/2019 dated 16.11.2019 registered with Police Station Padoli, District Chandrapur for the offence punishable under Sections 498-A, 504 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing Regular Criminal Case No.78/2020 pending in the Court of 7th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Chandrapur, is hereby quashed to the extent of applicant **No.(3)** Ku. Dipika Gajanan Pendor and **No.(4)** Ku. Ashwini Sidam.

(iii) The prayer of the applicant No.1 for quashing of the FIR is hereby rejected.

(iv) The application as far as the applicant No.2 is disposed of as she reported to be dead.

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13. In the above said terms the application is disposed of.

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

Sarkate.