



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

CRIMINAL APPLICATION (APL) NO.858 OF 2025

[Priya Anup Patil **..Vs..** State of Maharashtra and Another]

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

Court's or Judge's order

Mr S. R. Barapatre, Advocate for Applicant.
Mr M. J. Khan, Addl. P. P. for Non-Applciant/State.

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

DATE : **12th NOVEMBER, 2025.**

. Heard.

2. The present application is filed by the applicant who is sister-in-law for quashing of the First Information Report in connection with crime No.544 of 2024 registered under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 and the consequent proceedings arising out of the same bearing R.C.C. No.178 of 2025 pending before the 18-19th Joint Civil Judge Junior Division and JMFC Court No.7, Nagpur.

3. As per the case of the prosecution, the FIR is lodged by the informant – non-applicant No.2 on an allegation that on 26.12.2019, her marriage was performed with one Sudesh Gjanan Patil. The present applicant is the sister of said Sudesh Patil. After marriage, she resumed cohabitation at her matrimonial house. For some days, she was treated well and thereafter, she was ill-treated for various reasons. It is alleged that the present applicant who is the sister-in-law has also ill-treated by saying that she is not the suitable

match for her brother. On the basis of said report, police have registered the crime against the present applicant.

4. Heard learned counsel for the applicant who submitted that general allegation is levelled against the present applicant. No specific instances are narrated as far as the ill-treatment at the hands of the present applicant is concerned. Moreover, she got married on 24.11.2020 i.e. after marriage of the informant. Within one year of the marriage of the informant with the other co-accused, therefore question of harassment at her hands doesn't arise. He, therefore, submits that even accepting the allegations as it is at its face value, no offence is made out and only statement made by the informant in the FIR is that she has also ill-treated to the informant by taunting that more suitable match would have been available for her brother that would not amount to an ill-treatment at the hands of the present applicant. Now, investigation is completed. Various statements are recorded from which also it nowhere reveals that the applicant has ill-treated the informant. In view of that the application deserves to be allowed.

5. Learned Additional Public Prosecutor strongly opposed the said contentions and submitted that the statement of the informant itself is sufficient to attract the offence punishable under Section 498-A of the IPC against the present applicant. In view of that the application deserves to be rejected.

6. On perusal of the FIR and investigation papers and after hearing both the sides, it reveals that only allegations against the present applicant is that she has assaulted the informant by saying that more suitable match would have been available for her brother. Even accepting the said allegations at its face value, it is the general allegation against the present applicant. No specific instances are narrated. In view of that the offence under Section 498-A of the IPC is not made out. Now, this aspect is considered by the Hon'ble Apex Court. At this stage, a reference can be given to the observations made by the Apex Court in the matter of **Preeti Gupta and Another vs. State of Jharkhand and Another**, reported in **(2010) 7 SCC 667** wherein, the Apex Court observed in para Nos.30, 32 and 34 as under :

“30. It has 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.

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.”

7. It is apparent that the applicant is implicated as an accused only because she is the sister of informant's husband. No specific allegations are made out against the present applicant and in view of that the application deserves to be allowed. Accordingly, we proceed to pass the following order :

ORDER

- i) The application is **allowed**.
 - ii) The FIR in connection with crime No.544 of 2024 registered under Sections 498-A, 323, 504 and 506 read with Section 34 of the IPC and consequent proceeding arising out of the same bearing R.C.C. No.178 of 2025 pending before the 18-19th Joint Civil Judge Junior Division and JMFC Court No.7, Nagpur, is hereby quashed and set aside.
8. The application is disposed of in the above said terms.

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