



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

CRIMINAL APPLICATION (APL) NO. 1188 OF 2023

Ramesh s/o Siddhu Shegar and others
Vs.

State of Maharashtra, through Police Station Officer, Police Station
Ladkhed, District Yavatmal and another

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

Court's or Judge's orders

Mr. Vikky S. Gokhale, Advocate with Mr. R. J. Shinde, Advocate for
applicants.

Mr. N. H. Joshi, APP for non-applicant No.1/State.

Ms. Kirti Wankhade, appointed Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 11/12/2025

1. Present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No.218/2022 dated 29.05.2022 registered with Police Station Ladkhed, District Yavatmal for the offence punishable under Sections 498-A, 504 and 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing RCC No.220/2022 pending before the learned Judicial Magistrate First Class, Darwha.

2. The applicant No.1 is the husband and other applicants are the nearest relatives of the husband i.e. brothers and parents.

3. The crime is registered on the basis of a report lodged by the informant on an allegation that her marriage was performed with the applicant No.1 in the year 2009. After marriage, she resumed the cohabitation at the house of the

present applicants. She begotten two children from the said wedlock. As far as her allegations, after marriage, she was treated well for one year and thereafter, the applicant No.1 started suspecting her character and she was ill-treated on that count. It is her allegation that though she was ill-treated physically as well as mentally, one day everything will be smooth on that pretext she cohabited with him, but subsequently, she was constrained to leave the matrimonial house and therefore, she lodged the report. On the basis of the said report, police have registered the crime against the present applicants.

4. Heard learned counsel for the applicants, who submitted that merely on the basis of the vague and general allegations, the applicants came to be implicated in the alleged offence. He submitted that the marriage took place in the year 2009, thereafter till lodging of the FIR i.e. on 29.05.2022, no single notice was issued by the non-applicant No.2. There was no single complaint by the non-applicant No.2. Now, the dispute arose between the husband and wife and therefore, all the family members were implicated in the alleged offence. He submitted that no specific instances are narrated as far as the ill-treatment is concerned, considering the nature of the allegations, the application deserves to be allowed.

5. Per contra, learned APP strongly opposed the same and submitted that considering the allegations levelled which is of a serious nature, the application deserves to be rejected.

6. Learned counsel for the non-applicant No.2 reiterated the said contentions and submitted that the non-applicant No.2 is not only ill-treated on the ground of

suspecting her character, but the applicant No.1 was having his illicit relations with the another lady and the informant was physically and mentally ill-treated. On all above grounds, the application deserves to be rejected.

7. On hearing both sides and on perusal of the investigation papers, it reveals that the marriage between the applicant No.1 and non-applicant No.2 was performed in the year 2009. Thereafter, she resumed cohabitation at the house of the present applicants. It appears that till 2022, there was no single complaint made by the non-applicant No.2 against the present applicants. The complaint regarding the domestic violence is also dated 08.03.2022. Thus, till lodging of the complaint under the provisions of the Domestic Violence Act dated 08.03.2022, there is no single whisper as to the ill-treatment at the hands of the present applicants. The various statements are also recorded which also nowhere discloses that the ill-treatment was of such a nature that there was a willful conduct on the part of the present applicants. The nature of the ill-treatment is also not stated by the informant or any other witnesses. Thus, considering the nature of the statements recorded during the investigation, no *prima facie* case is made out against the present applicants.

8. Section 498-A provides a broad and inclusive definition of "cruelty," encompassing both physical and mental harm to the woman's body or health. In addition, it covers acts of harassment designed to coerce the woman or her family into fulfilling unlawful demands for property or valuable security, including demands related to dowry. The definition of "harassment" under the Explanation to Section 498A is

specifically outlined in clauses (a) and (b) of Section 498A. It is significant to note that the inclusion of the word "or" at the end of clause (a) clearly indicates that "cruelty" for the purposes of Section 498A can either involve wilful conduct that causes mental or physical harm or harassment related to unlawful demands, such as dowry. Here, there is no such allegation as to any unlawful demand or any willful conduct on the part of the present applicants. Thus, no *prima facie* case is made out against the present applicants, in view of that, the application deserves to be allowed. Accordingly, we proceed to pass following order:

ORDER

- (i) The application is **allowed**.
- (ii) The First Information Report in connection with Crime No.218/2022 dated 29.05.2022 registered with Police Station Ladkhed, District Yavatmal for the offence punishable under Sections 498-A, 504 and 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing RCC No.220/2022 pending before the learned Judicial Magistrate First Class, Darwha, is hereby quashed and set aside to the extent of the present applicants.
- (iii) The fees of the appointed counsel be quantified as per rules.

The application is disposed of.

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