



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

CRIMINAL APPLICATION (APL) NO. 1175 OF 2021

(Vijay S/o Krushnarao Madane & Ors.

Vs.

State of Maharashtra, Thr. Police Station Officer, Police Station
 Paratwada, Tq. Achalpur, Dist. Amravati & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. S.G. Chakranarayan, Advocate for the Applicants.
 Ms. Sneha Dhote, APP for the Non-applicant No.1/State.
 Mr. S.G. Karmarkar, Advocate for the Non-applicant No.2.

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

DATED : 26th NOVEMBER, 2025

1. The present Application is preferred by the Applicants for quashing of the FIR in connection with Crime No.580/2021 registered with Police Station, Paratwada District Amravati for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No.48/2022 pending before the Judicial Magistrate First Class, Court No.1, Paratwada, District Amravati.

2. The Applicant No.1 is the husband of the Non-applicant No.2, the Applicant No.2 is the father-in-law and Applicant Nos. 4 and 5 are the brother-in-laws, respectively. During pendency of this Application, the Applicant No.3 is reported to be dead, and therefore, her name is deleted.

3. The crime is registered on the basis of the report lodged by the Informant/Non-applicant No.2 on an allegation that her marriage was performed with the Applicant No.1 on 18.06.2011 and thereafter she resumed cohabitation. As per her allegation, as she could not conceive she was ill-treated by the present Applicants. She alleged that, the Applicant No.1 has also demanded Rs. 2 Lakhs from her parents and the said demand was fulfilled. Thereafter also there was no change in the behaviour of the Applicants and she was ill-treated, therefore she constrained to leave the matrimonial house. 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 except the vague and general allegation no specific instances are narrated as far as the demand of money is concerned and the ill-treatment at the hands of the present Applicants. The Applicant No.2 is 80 years old, whereas the Applicant Nos. 4 and 5 are residing at different places. There is no occasion for them to visit the house of the Non-applicant No.2 and her husband and ill-treat her. Moreover, no specific instances are narrated as far as their visit or ill-treatment at their hands are concerned. She submitted that, considering the nature of the allegation which is general in nature and i.e. also after 10 years of the marriage no *prima facie* case is made out against the present Applicants. In view of that, the Application deserves to be allowed.

5. Learned APP strongly opposed the same and submitted that there are specific allegations as far as the

Applicants are concerned, she has specifically stated that the amount of Rs. 2 Lakhs has been paid by the parents of the Informant. Thus, considering the narration of the Informant in the FIR, which is substantiated by the statements of other witnesses also. In view of that, the Application deserves to be rejected.

6. Learned Counsel for the Non-applicant No.2/Informant, endorsed the same contention and submitted that the Informant was illtreated for not conceiving the child as well as for demanding the money. At this stage, *prima facie* material is there to face the trial. In view of that, the Application deserves to be rejected.

7. On hearing both the sides and on careful scrutiny of the FIR, which shows that vague, general and omnibus allegations are made against the present Applicants regarding the ill-treatment for trifle reasons.

8. At this stage, reference can be given to Section 498-A 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 imprisonment for a term which may extend to three years and shall also be liable to fine.”

9. A careful scrutiny of the entire statements which reveals that, the marriage took place on 18.06.2011 and the FIR is lodged on 27.09.2021 i.e. approximately after 10 years. During 10 years, there is no single complaint lodged by

the Informant. There is no recital in the FIR to show that due to ill-treatment she was either physically illtreated or mentally illtreated. General allegation is levelled that, she was physically and mentally tortured by the present Applicants. The nature of the torture nowhere mentioned by the Informant. As far as the demand is concerned, regarding the same also the statement is vague in nature that there was a demand by her husband and said demand was fulfilled. How the said demand was fulfilled is also not specified either by the Informant or her parents. Thus, it appears that due to the dispute between the Informant and her husband, the FIR came to be lodged after 10 years of marriage i.e. on 27.09.2021.

10. At this stage, reference can be given to the observations made by the Hon'ble Apex Court in the case of ***Preeti Gupta and another Vs. State of Jharkhand, reported in (2010) 7 SCC 667***, wherein it is held that the allegations of harassment by the husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant wife resided would have an entirely different complexion. Such allegations of the complainant are required to be scrutinized with great care and circumspection.

11. The Hon'ble Apex Court in the case of ***Kahkashan Kausar Vs. State of Bihar, reported in (2022) 6 SCC 599***, by considering the various decisions, rendered by the Hon'ble Apex Court 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 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.”

12. Keeping in mind the above observations and the contents of the FIR and the charge-sheet in the present case it can be observed that, the FIR is lodged on the basis of general and vague allegations. As far as the Applicant Nos. 4 and 5 are concerned, they are residing at different places. There is no specific instance narrated that at any point of time they have visited the house of the present Applicant No.1 and the Non-applicant No.2.

13. In view of the observation of the Hon'ble Apex Court in the case of ***Dara Lakshmi Narayana Vs. State of Telangana, (2025) 3 SCC 735***, wherein it is held that 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 the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses.

14. On perusal of the entire investigation papers it

reveals that, the FIR is lodged after 10 years only because there is dispute arose between the husband and wife and all family members are implicated in alleged offence. As far as *prima facie* case is concerned, in view of the decision of the Hon'ble Apex Court in the case of ***State of Haryana & Ors. Vs. Bhajan Lal & Ors., 1992 Supp.(1) SCC 335***, and by applying the parameters laid down in that, 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 the following order.

ORDER

- i. The Application is **allowed**.
- ii. The First Information Report bearing Crime No. 580/2021 registered with Police Station, Paratwada District Amravati for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No. 48/2022 pending before the Judicial Magistrate First Class, Court No.1, Paratwada, District Amravati, are hereby quashed and set aside to the extent of present Applicants.

15. Pending application/s, if any, shall stand disposed of accordingly.

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