



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

CRIMINAL APPLICATION (APL) NO. 1191 OF 2024

- APPLICANTS :**
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| 1. Digambar Namdeo Narwade,
(Father-in-law)

2. Padmini Digambar Narwade,
(Mother-in-law)

3. Vinod Digambar Narwade,
(Brother-in-law) | Age 74 years, Occu : Retired.

Age 59 years, Occ : Household.

Age 37 years, Occ : Lawyer.

All Applicants R/o Ganpati Lane,
Ward No.15, Mehkar, Tq. Mehkar,
District : Buldana. |
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V E R S U S

- NON-APPLICANTS :**
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| 1. State of Maharashtra
Through P. S. O. P. S. Malegaon,
District : Washim. | 2. Rupali w/o Mrugendr Narwade,
Age 38 years, Occ : Household,
R/o Gadge Nagar, Malegaon,
Dist. Washim. |
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Shri S. B. Gandhe, Advocate for applicants.
Shri Nikhil Joshi, Additional Public Prosecutor for Non-applicant No.1.
Shri S. V. Sirpurkar, Advocate for Non-applicant No.2.

**CORAM: URMILA JOSHI-PHALKE &
NANDESH S. DESHPANDE, JJ.
DATED : 16/12/2025.**

ORAL JUDGMENT : (PER : NANDESH S. DESHPANDE, J.)

1. Heard. **Admit.** Heard finally with the consent of learned counsel appearing for the parties.
2. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 challenging the First

Information Report bearing Crime No.246/2024 dated 30/05/2024 for the offences punishable under Sections 498-A, 323, 504, 506 of the Indian Penal Code, 1860. The applicants further pray for setting aside the charge sheet bearing No.116/2024 filed on 19/07/2024 and the consequent Regular Criminal Case No.145/2024.

3. As per the allegations in the charge sheet, the non-applicant No.2 / first informant lodged a report with the non-applicant No.1 stating that she was married to the accused No.1 namely; Mrugendra Narwade, on 18/06/2008. After the said marriage, she was residing in her matrimonial house and was treated well for some days. Thereafter, as per the averments in the first informant report, she was assaulted and insulted on the ground that the applicants were not treated properly during the marriage. It is further stated that present applicants have instigated the main accused, who is husband of the non-applicant No.2 and he used to harass the victim and cause mental cruelty. Based on these allegations, the First Information Report in question is lodged.

4. We have heard Shri S. B. Gandhe, learned counsel for the applicants and Shri Nikhil Joshi, learned Additional Public Prosecutor for the State.

5. Learned counsel for the applicants states that even if the allegations in the First Information Report and the material collected by the Investigating Agency is perused, no offence is made out as far as the applicants are concerned. He further submits that even if allegations are taken at their face value, no offence muchless as contemplated under Section 498-A of the Indian Penal Code is made out against the applicants. He, therefore, prays that the First Information Report and the consequent criminal proceedings be quashed as far as the applicants are concerned.

6. Per contra, learned Additional Public Prosecutor while opposing the contentions advanced states that offences made out against the applicants are sufficient to face the criminal trial.

7. Learned counsel for the Non-applicant No.2 while supporting learned Additional Public Prosecutor states that there are specific allegations against the applicants. While taking us to the First Information Report in question, he states that the present applicants had harassed the non-applicant No.2 and therefore, the matter would be of evidence necessitating the criminal trial.

8. We have perused the material on record and also appreciated the contentions advanced by the learned counsel for the respective parties.

9. As can be seen from the First Information Report in question, the applicants are the father-in-law, mother-in-law and brother-in-law of the non-applicant No.2. Only vague and general allegations are made against them. No specific allegations as required under law so as to make them face the criminal trial are spelt out from the First Information Report and from the material collected in the form of charge sheet. It seems that the main accusations are against the husband who is not before this Court. We are, therefore not dealing with the allegations as far as the husband is concerned.

10. Now a days, there is a concurring tendency implicating all the relatives of the husband for the offence punishable under Section 498A of the IPC which has time and again, deprecated by the Hon'ble Apex Court.

The Hon'ble Apex Court in the case of **Dara Laxmi Narayana Vs. State of Telangana, MANU/SC./1309/2024**, it is held that now it has become a tendency of roping all the family members in the crimes registered under Sections 498A of the

Indian Penal Code, 1860. It is observed that the family members of the husband ought not to be unnecessarily roped into criminal proceeding arising out of matrimonial dispute. It is further held that where the allegation are bereft of specific particulars and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law.

11. Looking at the present matter and considering the controversy involved in the present application, we are of the considered opinion that no specific allegations are made out against the present applicants in the First Information Report. Looking and facing the criminal trial would amount to abuse of process of the court, we are therefore of the considered opinion that situation clearly falls within the parameters of the State of Haryana and others Vs Bhajan Lal and others reported in 1992 Supp. (1) SCC 335 which clearly spells out that the inherent powers are to be used and to prevent the abuse of process of law, we therefore, proceed to pass following order :-

ORDER

- i] The application is allowed.

ii] First Information Report bearing Crime No.246/2024 and consequent charge sheet bearing No.116/2024 for the offences punishable under Sections 498-A, 323, 504, 506, 294 r/w Section 34 of the Indian Penal Code and consequent Regular Criminal Case No.145/2024 is quashed and set aside as far as the **Applicant No.1 - Digambar Namdeo Narwade, Applicant No.2 - Padmini Digambar Narwade and Applicant No.3 - Vinod Digambar Narwade** are concerned.

iii] The application is disposed of in above terms.

[NANDESH S. DESHPANDE, J.]

[URMILA JOSHI-PHALKE, J.]