



(1)

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

**CRIMINAL APPLICATION (APL) NO.1080 OF 2024**

1. Ashok s/o Bakshi Chavan,  
Aged about 52 Years,  
Occupation : Agri.
2. Purnabai w/o Ashok Chavan,  
Aged 48 Years, Occupation : Nil,
3. Hemraj s/o Ashok Chavan,  
Aged 30 Years, Occupation : Student,
4. Gopal s/o Mangu Rathod,  
Aged 40 Years, Occupation : Agri.  
All R/o. Hivalani (Talav),  
Tahsil Pusad, Ditriect Yavatmal.

**.... APPLICANTS**

**// VERSUS //**

1. State of Maharashtra through  
Police Station Officer, Police Station,  
Khandala, Taluka Puad, District Yavatmal.
2. Poonam w/o Prashant Chavhan,  
Occupation : Nil, Age 28 Years,  
R/o. (talav), Tahsil Pusad,  
District Yavatmal.

**.... NON-APPLICANTS**

-----  
Ms. C. S. Bhute, Counsel along with Ms. Madhuri A. Deshkar,  
Counsel for the applicants.  
Ms. Shamshi Haider, APP for non-applicant No.1/State.  
Ms. Shweta Chavan, appointed Counsel for the non-applicant  
No.2.  
-----

**CORAM : URMILA JOSHI-PHALKE AND**  
**NANDESH S. DESHPANDE, JJ.**  
**DATED : 04/09/2025**

**ORAL JUDGMENT : (PER : URMILA JOSHI-PHALKE, J.)**

1. **Admit.**

(2)

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

3. The applicant Nos.1 to 4 are the accused in Crime No.128/2020 registered with Police Station Khandala, District Yavatmal, for the offence punishable under Sections 498-A, 323 read with Section 34 of the Indian Penal Code, registered on the basis of a report lodged by the non-applicant No.2 have approached this Court by filing this application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') for quashing the aforesaid First Information Report (for short 'FIR') as well as charge sheet bearing RCC No.315/2021 pending before the learned Judicial Magistrate First Class, Pusad, District Yavatmal.

4. As per the case of the prosecution, the non-applicant Poonam w/o Prashant Chavhan has married with the co-accused Prashant Ashok Chavhan on 29.10.2017. As per her allegations, at the time of marriage, her father has incurred the expenses and also given Rs.50,000/- to her in-laws. After marriage, she was treated well for 2 to 3 days and thereafter, she was subjected for ill-treatment by her husband on the instigation of present applicants and other co-accused. It is further alleged that she was ill-treated by her in-laws by saying that she is not aware how to do the domestic work and due to the instigation at

(3)

the hands of the present applicants, her husband was abusing her and assaulting her. 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 general allegations are levelled against the present applicants. This Court has already considered the application of some of the accused in Criminal Application (APL) No.1235/2023 [Yuvraj s/o Bakshi Chavan and others Vs. The State of Maharashtra and another decided on 04.10.2024. The applicants are standing on the same footing and therefore, the proceedings against them be quashed.

6. Learned APP though strongly opposed the application, but she has admitted that as far as the allegations are concerned, which are admittedly general in nature, as far as the present applicants are concerned.

7. Learned Counsel for the non-applicant No.2 strongly opposed the same and submitted that there is a specific role attributed to the present applicants, who are father-in-law, mother-in-law, brother-in-law and maternal-father-in-law of the non-applicant No.2. On their instigation, only the co-accused – husband used to ill-treat the informant and therefore, she lodged the complaint. On the basis of the said complaint, the police

(4)

have carried out the investigation and the charge sheet has been filed after completion of the investigation.

8. In respect of the contentions, the settled law is 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. It is observed by the Hon'ble Apex Court in the case of **Preeti Gupta and another Vs. State of Jharkhand and another** reported in **(2010) 7 SCC 67**, in **Kahkashan Kausar @ Sonam and others vs The State of Bihar and others** reported in **(2022) 6 SCC 599** wherein also it is held that *"it must be borne in mind that although the two FIRs may constitute two independent instances, the present complaint fails to establish specific allegations against the in-laws. Allowing prosecution in the absence of clear allegations against the Appellants in-laws would simply result in an abuse of the process of law."* In **K. Subba Rao V. The State of Telangana** reported in **(2018) 14 SCC 452** wherein also it is held that *"the Criminal proceedings are not normally interdicted by us at the interlocutory stage unless there is an abuse of process of a Court. This Court, at the same time, does not hesitate to interfere to secure the ends of justice."* *"The Courts should be careful in proceeding against the distant*

(5)

relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out." On the basis of these decisions, this Court has already considered the application of the other co-accused. Admittedly, on going through the investigation papers, it reveals that the general allegations are levelled against the present applicants, no specific role is assigned to them, in such circumstances the applicants cannot be compelled to face the trial. The Hon'ble Apex Court in the recent decision in **Mange Ram Vs. State of Madhya Pradesh and Ors** in **Criminal Appeal No.3470/2025** reported in **MANU/SC/1066/2025**, dealt with this aspect in detailed and observed that "Section 498A of the IPC prescribes punishment where a woman is subjected to cruelty by her husband or his relatives. The offence is punishable with imprisonment for a term which may extend to three years and also provides for fine. The Explanation appended to the provision defines "cruelty" in two parts. Clause (a) refers to 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 her life, limb or health, whether mental or physical. Clause (b) expands the scope of the term to include harassment with a view to coercing the woman or her

(6)

relatives to meet any unlawful demand for property or valuable security, or on account of failure to meet such demand.”

9. By referring the earlier decision in **Dara Lakshmi Narayana and others vs The State of Telangana and another MANU/SC/1309/2024** wherein the Hon’ble Apex Court made it clear 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. It was further held that where the allegations 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. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.

10. In view of the above observation of the Hon’ble Apex Court, if the facts of the present case are taken into consideration, admittedly, there is general allegations against the present applicants, who are in-laws, no specific instances are

(7)

narrated by the informant as far as the ill-treatment or instigation at the hands of the present applicants are concerned. There is nothing against the present applicants to show that it was the present applicants on whose instigation the husband of the informant used to ill-treat her. In absence of a specific incident, it is difficult to accept the informant's case about the instigation at the hands of the present applicants. Moreover, the facts on record shows that the informant and her husband were residing at Patna, whereas the present applicants were residing at Pusad. No circumstances or instances are narrated by the informant to show that at any point of time, either she has visited the house of the present applicants at Pusad or they have visited at Patna where she was residing along with her husband. In the circumstances, the chances of the conviction are quite remote. This is a fit case, where we can say that continuation of prosecution amounts to abuse of the process of the Court.

11. In view of that, the application is **allowed**.

12. We hereby quashed and set aside the criminal proceeding namely RCC No.315/2021 pending before the learned Judicial Magistrate First Class, Pusad, District Yavatmal, arising out of First Information Report vide Crime No.128/2020 registered with Police Station Khandala, District Yavatmala for the offences punishable under Sections 498A, 323 read with

(8)

Section 34 of the Indian Penal Code, as regards to the present applicants only.

The application is disposed of.

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

Sarkate.