



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

CRIMINAL APPLICATION [APL] NO.1230 OF 2024

1. Mandabai wd/o Narayan Gotarkar (mother-in-law)
Aged about 60 years, Occ. Household.
2. Ashish s/o Narayan Gotarkar (brother-in-law)
Aged about 42 years, Occ. Household
Both 1 and 2 R/o. Belora Stop,
Chandur Bazar, Tah. Achalpur,
District-Amravati.
3. Sarika w/o Ashish Virulkar (sister-in-law)
Aged about 36 years, Occ. Pvt. Service.
4. Ashish s/o Shriramji Virulkar (husband of sister-in-law)
Aged about 38 years, Occ. Pvt. Service
Both 3 and 4 R/o. Near Choubey Katiya
Bhandar, Gitti Khadan, Borgaon Road,
Nagpur.
5. Suchita w/o Pravin Dhoke (sister-in-law)
Aged about 35 years, Occ. Household.
6. Pravin s/o Subhashrao Dhoke (husband of sister-in-law)
Aged about 38 years, Occ. Pvt. Service
Both 5 and 6 R/o. Wathoda, Shukleshwar,
Tah. Bhatkuli, Dist. Amravati.
7. Sukhdeo s/o Shravan Gotarkar (uncle of husband)
Aged about 65 years, Occ. Unknown
R/o. Patur, Tah. Patur, Dist. Akola.
8. Wasudeo s/o Shravan Gotarkar (uncle of husband)
Aged about 58 years, Occ. Service,
R/o. Gurukul Nagri, Kotari Vatika,

Malkapur, Dist. Akola.

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Applicants

.. Versus ..

1. State of Maharashtra
Through Police Station Officer
Paratwada, District-Amravati
2. Ashwini w/o Dhananjay Gotarkar
Aged 32 years, Occupation -
R/o. C/o. Chandrabhan Parde,
Shivaji Nagar, Paratwada,
Dist-Amravati.

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Non-Applicants

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Shri Rahul D. Dharmadhikari, Advocate for Applicants.

Shri A.B. Badar, A.P.P. for Non-Applicant No.1/State.

Shri Deepak S. Khushlani, Advocate for Non-Applicant No.2.

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**CORAM : ANIL S. KILOR AND
PRAVIN S. PATIL, JJ.**

DATED : 21st APRIL, 2025.

JUDGMENT [PER : Pravin S. Patil, J.]

1. **Rule.** Rule made returnable forthwith. By consent of the learned Counsel for parties, the matter is taken up for final disposal.

2. By this application, the applicants are seeking to challenge the registration of offence vide Crime No.0264/2024 with the Police Station, Paratwada, District-Amravati under

Sections 498-A r/w 34 of the Indian Penal Code and Chargesheet No.73/2024, dated 19.06.2024.

3. In short the case of prosecution is that Non-Applicant No.2 on 05.04.2024 lodged a police complaint against applicants alleging that when she was with her husband at USA, she was subjected to mental and physical harassment by husband. After returning back to India, during her stay to the house of father-in-law for period 24.12.2023 to 02.01.2024, she was tortured by uttering insulting language and made demand of dowry. On this allegation, offence stated above came to be registered against applicants in the matter.

4. The present applicants approached before this Court by making submission that the registration of criminal complaint against them at the instance of non-applicant no.2 is nothing but by way of wreaking vengeance against them. It is stated by the applicants that even if all the allegations in the FIR are accepted in its entirety, no offence is made out against them under Section 498-A r/w 34 of the Indian Penal Code. Hence, it is submitted that present application deserves to be allowed.

5. Learned APP, on the other hand, stated that considering the specific allegations levelled by the present informant, it is clear that the case of applicants does not fall under the seven exceptions carved out by the Hon'ble Supreme Court of India in the case of ***State of Haryana and others .vs. Bhajan Lal, reported in 1992 Supp.(1) SCC 335***, and, therefore, the present application which is devoid of merit is liable to be dismissed.

6. Learned counsel for non-applicant no.2 vehemently opposed the application. He stated that in her complaint specific instances are quoted by giving dates. Hence, allegation of non-applicant no.2 can't be said to be vague and omnibus. All the allegations against the applicants are of precise nature. Therefore, in the light of specific allegations along with dates and time, the offence against the applicants is *prima facie* made out and, therefore, the present application deserves to be rejected in the facts and circumstances of the case.

7. Having considered the rival submissions of both the parties and perusal of the chargesheet and the documents collected by the investigating agency in the matter, it is clear that after the marriage of informant on 09.12.2022, she went with her husband to USA on 10.02.2023. As such, immediately after marriage, there was no harassment on the count of dowry to her from the applicants. It is admitted fact that she returned back from USA to India on 24.12.2023. She stayed with the applicants till 02.01.2024 and thereafter went to her parents house at Paratwada. On 20.01.2024 along with her husband, she again went to USA. As such, she resided with the applicants family hardly for a period of 10 days. Therefore, allegations of non-applicant no.2 does not inspire confidence that in those 10 days, the present applicants harassed her on the count of dowry.

8. It is also pertinent to note that the present applicants are residing at different places. The applicant no.1 is mother-in-law and applicant no.2 is brother-in-law, who are residing at Belora Stop, Chandur Bazar, Tahsil-Achalpur, District-Amravati. The applicant nos.3 and 4, are sister-in-law and husband of

sister-in-law of informant, who are residing at Nagpur. The applicant nos.5 and 6, are sister-in-law and husband of sister-in-law of informant and are residing at Wathoda (Shukleshwar), Tah. Bhatkuli, District-Amravati. Applicant no.7, is uncle of husband of informant, who is residing at Patur, District-Akola and applicant no.8, is also the uncle of husband of informant, who is residing at Malkapur, District-Akola. As such, it is clear that the applicants are residing at different places and it is improbable to say that during that 10 days period, they all came together at the matrimonial house of non-applicant no.2 and harassed her on the count of dowry. As such allegation of non-applicant shows her ulterior motive to falsely implicate all the family members of husband in the web of offence under Section 498-A of the Indian Penal Code.

9. In the case of *Dara Lakshmi Narayana and others .vs. State of Telangana and another arising out of SLP (Criminal) No.16239/2024, reported in 2024 (12) SCR 559*. The Hon'ble Supreme Court has observed as under :

28. The inclusion of [Section 498A](#) of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and

his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like [Section 498A](#) of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife.

Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke [Section 498A](#) of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

29. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.

30. In the above context, this Court in [G.V. Rao](#)

vs. L.H.V. Prasad, (2000) 3 SCC 693 observed as follows:

“12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case.

There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their “cases” in different courts.”

31. Further, this Court in Preeti Gupta vs. State of Jharkhand (2010) 7 SCC 667 held that the courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment by the husband’s close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection.

10. In respect of submission of non-applicant no.2 that, allegations levelled against applicants are specific by giving

dates and, therefore, at this stage, indulgence of this court is uncalled for, in this regard we want to observe that in recent years it is experienced in many matters to attract the offence against the accused persons, complainant ensure that complaint should be drafted in such a manner which should attract the necessary ingredients to constitute alleged offence. Sometime for that purpose, complainant, if necessary, takes the help of legal expert. Hence, in such circumstances, particularly in matrimonial disputes, court owes a duty to look into other attending circumstances emerging from record and considered the same with due care by reading the complaint between the lines.

11. In the present case, it is clear from the record that the names of family members are mentioned by the informant without attributing any role except bald allegation. It is clear from the record that the informant with an ulterior motive want to implicate all the members of the husband family in the web of crime due to matrimonial discord. As such, considering such generalized accusations unsupported by concrete evidence cannot be held to be basis for criminal prosecution. According

to us, continuing prosecution against the present applicants would amount to misuse of legal provisions and the legal process. Further unnecessary harassment will be caused to the innocent family members of the husband. It is also clear that the present applicants are living in a different cities and not resided in the matrimonial house of informant, hence they cannot be dragged into criminal prosecution on such vague and omnibus allegations levelled by the informant.

12. In the circumstances, we are of the confirmed view that the police report lodged by the informant is nothing but out of personal vengeance and, therefore, it is a fit case to exercise the inherent jurisdiction to quash and set aside the criminal prosecution pending against the applicants. Hence, we proceed to pass the following order :

O R D E R

- (i) Criminal Application is allowed.
- (ii) The Chargesheet No.73/2024 dated 19.06.2024 arising out of First Information Report/Crime No.0264/2024 registered against the applicants with the Police Station, Paratwada, District-Amravati under Sections 498-A r/w 34 of

the Indian Penal Code, is hereby quashed and set aside.

13. Rule is made absolute in the above terms.

(Pravin S. Patil, J.)

(Anil S. Kilor, J.)