



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

CRIMINAL APPLICATION NO.1176 OF 2024

1. Sau. Sheetal w/o Gajanan Dhande, aged about 39 years, occ. Household, (sister-in-law of N.A. No.2).
2. Gajanan s/o Janardhan Dhande, aged about 40 years, Occ. Journalist (brother-in-law of N.A. No.2)

R/o Opposite to Kridasankul, Jambhrun,
Tq. And Dist. Buldhana.

... APPLICANTS

VERSUS

1. The State of Maharashtra, through the Police Station Officer, Police Station, Khadan, Akola, Tq. And Distt. Akola.
2. Sau. Priya w/o Tejas Gavate, aged 34 years, Occ. Household, r/o Parivar Colony No. 4, Keshav Nagar, Khadan, Akola, Tq. And Dist. Akola (sister-in-law of applicants)

... NON-APPLICANT(S).

Shri N.B. Kalwaghe, Advocate for the applicants.
Ms. S.Z. Haider, Addl.Public Prosecutor for the State.
Non-applicant no.2 served.

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

DATE : 07.05.2025.

ORAL JUDGMENT : (Per : Pravin S. Patil, J.)

RULE. Rule made returnable forthwith.

2. By this application the applicant no.1 who is the sister-in-law of non-applicant no.2, and her husband are seeking quashing of criminal proceeding bearing R.C.C. No.981 of 2024 pending on the file of learned Judicial Magistrate First Class, Akola arising out of First Information Report ('FIR') No.417 of 2024 registered with Khadan Police Station, Akola for the offence punishable under Sections 506, 504, 498A, 323 read with Section 34 of the Indian Penal Code on the ground that even if the allegations levelled against them in the police complaint are accepted in its entirety, no offence is made out against them.

3. We have heard the learned Counsel appearing for the parties and perused the record from which it is clear that only allegation against the present applicants is that, non-applicant no.2 made complaint of her husband to the applicants but they did not pay any heed nor supported her. On the contrary, instigated her husband

against her. However, non-applicant no.2 in her complaint failed to substantiate her allegation by providing any details i.e. date, place, time and nature of harassment meted out to her.

4. The Hon'ble Supreme Court in the case of ***Dara Lakshmi Narayana and ors. vs. State of Telangana and anr. (2024) 12 S.C.R. 559*** has observed thus :

“..mere reference to the names of family members in a criminal case arising out of matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognized fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and to avoid unnecessary harassment of innocent family members”.

5. As such, according to us, allegations against the applicants are vague and omnibus in nature. On the basis of such vague allegations, in our considered opinion, no offence is made out against the present applicants. Accordingly, we pass the following order:

(a) The Criminal Application is allowed.

(b) Charge-sheet bearing R.C.C. No.981 of 2024 pending on the

file of learned Judicial Magistrate First Class, Akola arising out of First Information Report ('FIR') No.417 of 2024 registered with Khadan Police Station, Akola for the offence punishable under Sections 506, 504, 498A, 323 read with Section 34 of the Indian Penal Code is hereby quash and set aside against the present applicants.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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