



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

CRIMINAL APPLICATION (APL) NO. 1044 OF 2025

(Anand s/o Gopalrao Suryawanshi & Ors.

Vs.

State of Maharashtra, Thr. Police Station Officer, Police Station Digras,
 Tah. Digras, District Yeotmal & 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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Mr. V.T. Suryawanshi, Advocate for the Applicants.

Mr. H.D. Dubey, APP for the Non-applicant No.1/State.

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

DATED : 3rd DECEMBER, 2025

1. The present Application is preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) by the Applicants for quashing of the FIR in connection with Crime No.571/2024 registered with Police Station, Digras, District Yeotmal under Sections 85, 115, 351(2), 352 and 3(5) Bharatiya Nyaya Sanhita (BNS), 2023.

2. The crime is registered on the basis of the report lodged by the Non-applicant No.2/Informant on an allegation that her marriage was performed with the Applicant No.1 on 15.07.2024. After marriage she resumed the cohabitation but she was not treated well. On 03.08.2024, the Applicant No.1 came at home under the influence of liquor and abused and assaulted her by saying that her parents have not given the dowry. She further alleged that, the other Applicants were also instigating her and abusing her. She has specifically

stated that, the Applicant No.2 also threatened her that he will kill her. On the basis of the said report Police have registered the crime against the present Applicants.

3. Heard learned Counsel for the Applicants, who submitted that, due to the dispute between the husband and wife this FIR came to be lodged with baseless, omnibus and vague allegations. Section 498-A of IPC (Sections 85 & 86 of BNS) relates to cruelty by the husband or his relatives including the father-in-law against the wife. He submitted that, considering the ingredients which are required to attract the offence punishable under Section 498-A of IPC is concerned, which are not made out. Merely on the basis of vague and general allegations, the Applicants are arraigned as an accused. Thus, considering the nature of the allegation, wherein no specific instances are narrated, the *prima facie* case is not made out and hence the Application deserves to be allowed.

4. *Per contra*, learned APP strongly opposed the said Application and invited our attention towards various statements of the witnesses and submitted that *prima facie* case is made out against the present Applicants, and therefore, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the FIR and investigation papers it reveals that, one instance is narrated by the Informant as far as the Applicant No.1 is concerned regarding beating to her. Thus, considering the said incident the *prima facie* case is made out as far as the Applicant No.1 is concerned. The entire FIR depicts vague and

general allegations levelled against the Applicant Nos. 2 to 7 without narrating any specific instances.

6. 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.”

Explanation.—For the purpose of this Section, “cruelty” means-

(a) any 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 life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

7. By applying the above said law if the facts of the present case are taken into consideration only general, omnibus and baseless allegations are levelled against the Applicant Nos. 2 to 7, and therefore, no *prima facie* case is made out against them.

8. 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 the Apex Court observed in para Nos.30, 32 and 34 as under:

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly

increasing in our country. All the courts in our country including this Court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

32. It is a matter of common experience that most of these complaints under section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment is also a matter of serious concern.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.”

9. The tendency of implicating all the relatives is also commented by the Hon’ble Apex Court in the case of ***Dara Lakshmi Narayana & Ors. Vs. State of Telangana & Ors., MANU/SC/1309/2024***, 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.

10. In view of the principles laid down by the Hon’ble Apex Court here in the present case also it is apparent that

merely because there was dispute between the husband and wife, all the family members appears to have been implicated in the alleged offence on the basis of general and omnibus allegations. In view of that, the Application deserves to be allowed partly to the extent of Applicant Nos. 2 to 7 are concerned. In view of that, we proceed to pass the following order.

ORDER

- i. The Application is **partly allowed**.
 - ii. The prayer of the Applicant No.1/Anand s/o Gopalrao Suryawanshi for quashing of the FIR, is hereby rejected.
 - iii. The prayer of the Applicant No.2/Gopal s/o Tukaramji Suryawanshi, Applicant No.3/Latabai w/o Gopalrao Suryawanshi, Applicant No.4/Vijay s/o Gopalrao Suryawanshi, Applicant No.5/Bharti w/o Vijay Suryawanshi, Applicant No.6/ Sunil s/o Rajaram Suryawanshi and Applicant No.7 Tulshiram Shivram Suryawanshi for quashing of the FIR in connection with Crime No. 571/2024 registered with Police Station, Digras, District Yeotmal under Sections 85, 115, 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 and consequent proceeding arising out of the same bearing charge-sheet No.132/2024 and R.C.C. No.141/2024, are hereby quashed and set aside.
11. Pending application/s, if any, shall stand disposed of accordingly.

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