



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

**CRIMINAL APPLICATION (APL) NO. 1372 OF 2023**

Suresh Govindrao Gulhane and ors.

.Vs.

State of Maharashtra, through PSO PS Rajapeth and another

---

Office Notes, Office Memoranda of Coram,  
 appearances, Court's orders of directions      Court's or Judge's orders.  
 and Registrar's Orders.

---

Mr A.H. Daga, Advocate for the applicants.  
 Mr. M.J. Khan, APP for non-applicant No.1/State.  
 Mr. Vivek Awchat, Advocate for non-applicant No.2

**CORAM : URMILA JOSHI PHALKE AND**  
**NANDESH S. DESHPANDE, JJ.**  
**DATED : 27<sup>th</sup> NOVEMBER, 2025.**

The present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No.700/2022 registered under Sections 498-A 323 and 504 read with Section 34 of the Indian Penal Code (for short, 'I.P.C') and consequent proceeding bearing RCC No.795/2022 pending before the Chief Judicial Magistrate, Yavatmal. Applicant Nos. 1 and 2 are in-laws and applicant No.3 is the husband of sister-in-law and applicant No.4 is the sister in law.

2. Crime is registered on the basis of the report lodged by informant on an allegation that her marriage was performed with co-accused Rahul Suresh Gulhane on

10.08.2017. After marriage she resumed the cohabitation at the house of present applicants. But she was not treated well as sufficient dowry is not given in the marriage. She further alleged that she was physically and mentally tortured for other reasons as they were not well honoured in the marriage as well as on her physical appearance and therefore, she was constrained to leave the matrimonial house. 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 as far as the allegation against the present applicants are concerned, which are general, omnibus and vague in nature. Merely because they are the relatives of the husband they are implicated in the alleged offence. The applicant No.4 got married with applicant No.3 long back and she is residing at her matrimonial home. There is no occasion for them to come to the house of the informant and instigate the husband of the informant. Thus, merely because there is dispute between the husband and the wife, the FIR came to be registered against the present applicants. He also invited our attention towards the various statements of the witnesses and submitted that none of the statement discloses any specific instance as far as the ill treatment is concerned. In view of that the application deserves to be allowed.

4. Per contra learned APP strongly opposed the aforesaid contention and submitted that there was a continuous harassment at the hands of the present applicants which constrained the informant to leave the matrimonial house. Thus, prima-facie case is made out against the present applicants. In view of that the application deserves to be rejected.

5. Learned counsel for the complainant invited our attention towards the various FIRs lodged subsequent to the said FIR and submitted that there was consistent harassment at the hands of the present applicants. Various FIR are registered against the present applicants showing the specific instances of the harassment at the hands of the present applicants. In view of that prima facie case is made out against the present applicants and therefore, application deserves to be rejected. Despite protection order is granted by the trial Court, no respect was given to the said order and ill treatment being continued.

6. After hearing both the sides and on perusal of the entire investigation papers as well as the recitals of the FIR, it reveals that marriage between Rahul Suresh Gulhane and the informant took place on 10.08.2017 and therefore, she resumed the cohabitation. As per her allegation she was ill treated for demand of money as well as on her physical appearance. However the allegations are general and vague

in nature. No specific instances are narrated by the informant. Statements of various witnesses are also recorded including the parents of the informant and the allegation in the said statement is also general and vague in nature and no specific instances are narrated.

7. As far as the contention of the learned counsel for the complainant that subsequent FIRs are lodged is concerned those are non cognizable offences and if the recitals of the FIR are taken into consideration, it appears that there is dispute between applicants and informant on trifling reasons i.e. in the nature of wear and tear in the domestic relationship. A careful scrutiny of the FIR depicts that vague, general and omnibus allegations are made against the present applicants regarding ill treatment on trifling reasons.

8. At this stage reference can be given to Section 498-A of the IPC which reads as under:

**“498-A. 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.”

9. A careful scrutiny of the charge sheet shows that the statements of the parents, non-applicant No.2 and other relatives are recorded. All the statements are omnibus and stereotype about the ill treatment and demand of the amount.

10 At this stage, reference can be given to the observations made by the Hon'ble Apex Court in the case of ***Preeti Gupta & Another vs State Of Jharkhand & Another*** reported in ***(2010) 7 SCC 667*** wherein Apex Court observed in paragraph 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 moment over trivial issues without proper deliberations. We came 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 visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relatives.

11. In another case of ***Kahkashan Kausar @ Sonamand ors. vs The State Of Bihar and ors.*** reported in **2022 (6) SCC 599** wherein also the Supreme Court after taking into consideration the various decisions rendered by the Supreme Court in the subject matter, observed in paragraph No.17 as under:-

*“17. The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of Section 498-A of the IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.”*

12. In the light of the above observation of the Hon’ble Apex Court if the facts of the present case are considered, admittedly omnibus allegations are levelled

against applicant Nos.1 and 2. Now there is trend to implicate all the family members of the husband in such type of the crimes or the criminal proceeding arising out of the matrimonial dispute.

13. On perusal of the entire investigation papers it reveals that there was a dispute between husband and wife and out of their dispute FIR came to be lodged. This aspect is also considered by the Hon'ble Apex Court in the case of *Dara Laxmi Narayana Vs. State of Telangana* reported in *Manu/SC/1309/2024* wherein it is held that Family members of the husband ought not to be unnecessarily roped into criminal proceeding 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.

14. In the light of the above observations of the Hon'ble Apex Court and on perusal of the facts and circumstances of the present case, admittedly general and omnibus allegations are levelled against the present applicants. No specific instances are either narrated by the informant nor by the other relatives. It is apparent that they are implicated merely because they are the relatives of the husband of the informant.

15. In view of that the application deserves to be allowed.

16. In view of that we proceed to pass following the order:-

**ORDER**

(i) The Criminal Application is allowed.

(ii) FIR in connection with crime No.700/2022 registered under Sections 498-A, 323, 304 read with 34 of the IPC and consequent proceeding arising out the same bearing RCC No.795/2022 pending before Chief Judicial Magistrate, Yavatmal are hereby quashed.

17. The criminal application stands disposed of in the above said terms.

Pending application, if any, also stands disposed of.

[NANDESH S. DESHPANDE, J] [URMILA JOSHI PHALKE, J.]