



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

CRIMINAL APPLICATION (APL) NO. 1344 OF 2023

Nitin S/o Balu Kamble And Ors.

Vs.

State of Maharashtra, Thr. Its PSO, P.S. Mankapur, Dist. Nagpur & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. V. Wankhede, Advocate for applicants
Mr. D. N. Mudgale, Advocate for non-applicant no. 2
Mr. Nikhil Joshi, APP for non-applicant/State

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

DATED : 18.11.2025

1. Present application is preferred by the applicants for quashing of the First Information Report, in connection with Crime No. 25/2023, registered under Sections 498A, 323, 504, 506, read with Section 34 of IPC.

2. The applicant no. 1 is the husband, applicant nos. 2 and 3 are the in-laws, applicant nos. 4 and 7 are the sister-in-law, applicant nos. 5 and 8 are the brother-in-law, and applicant no. 6 is uncle-in-law.

3. The crime is registered on the basis of the report lodged by the informant, on an allegation that her marriage was performed with the applicant no. 1 on 06.01.2021. After marriage, she resume the cohabitation at the house of the present applicants. Initially, there was dispute between her and her husband on account of the trifle domestic

issues. It is further alleged that the other applicants were instigating her husband, and on their instigation, he used to ill-treat her physically as well as mentally. She further alleged that the applicant no. 1 is also demanded Rs. 50 lacs from her, and on that count, assaulted her fist and kick blows. On the basis of the said report, police have registered the crime against the present applicants.

4. Heard learned counsel for the applicants, submitted that as far as the allegations are levelled against the present applicants are concerned, which are general, omnibus, and vague in nature, no specific instances are narrated by the informant as far as the instigation on the part of the other applicants. On the contrary, applicant no. 2 and 3 are residing at Satara, the applicant no. 4 and 5 are residing at Palghar, applicant no. 6 is residing at Satara, whereas the applicant no. 7 and 8 are residing at Pune, which far away from the place where the applicant no. 1 and the non-applicant no. 2 were residing, therefore question of visiting at their house and ill-treatment doesn't arise. The recital of the F.I.R. nowhere shows that at any point of time these applicants have visited the house of the applicant no. 1 and non-applicant no. 2 and in her presence instigated her husband to ill-treat the present non-applicants. Merely because they are the members of the family of the husband, they are implicated in the alleged offence on the basis of the baseless and general allegations. He submitted that considering the nature of the allegations which revealed from the statements of the witnesses, no

prima facie case is made out and there are remote chances of establishing the guilt of the present applicants. In view of that, the application deserves to be allowed. Learned APP and learned counsel for the complainant strongly opposed for the said on the ground that considering the statements of the witnesses and the statement of the informant, it is specifically alleged by her that the present applicants who are in-laws, instigated her husband, and on their instigation her husband was ill-treating her. In view that, application deserves to be rejected.

5. After hearing both the sides, and on perusal of the entire investigation papers, the nature of the allegations against the present applicants, especially the applicant nos. 2 to 8, are concerned that they were instigating applicant no. 1, and the applicant no. 1 was ill-treating her mentally as well as physically. Admittedly, the applicant no. 2 and 3 are residing at Satara and not residing with the applicant no. 1 and non-applicant no. 2, other applicants are also residing at various places which is far away from the place of the applicant no. 1 and non-applicant no. 2. She has not narrated any incident that at any point of time these applicants have visited the house of the applicant no. 1 and the non-applicant no. 2 and in her presence instigated. Thus, it is apparent that merely because the dispute arose between these spouse the alleged FIR came to be lodged. It is pertinent to note that the FIR came to be lodged after husband filed N.C. complaints against the non-applicant no. 2. As far as the husband is concerned, admittedly there

specific allegation against him to that extent of demand of money and assault her fist and kick blows. Therefore, the prayer of the applicant no. 1 cannot be considered for quashing of the FIR at this stage.

6. At this stage, reference can be given to the observation of the Hon'ble Apex Court in the case of ***Kahkashan Kausar @ Sonam vs. The State of Bihar***, reported in (2022) 6 SCC 599, where in it is observed as under :-

“The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A 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.”

7. In the light of the above, the observation, if the allegations in the present case are taken into consideration, admittedly the general and omnibus allegations are levelled, and the applicants are implicated merely because they are relatives of the applicant no. 1. This aspect is also considered by the Hon'ble Apex Court in the case of ***Dara Lakshmi Narayan and Others vs. State of Telangana and Others***, reported in MANU/SC/1309/2024, wherein the Hon'ble Apex Court has made it clear that the 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 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 these two spouses.

8. In view of the above observations, and in the light of the allegations levelled against present applicants, admittedly no prima facie case is made out against the applicant no. 2 to 8, and therefore the application deserves to be allowed partly. Accordingly, we proceed to pass the following order: -

ORDER

- (i) Application is allowed partly.
- (ii) The First Information Report in connection with Crime No. 25/2023 registered under Sections 498A, 323, 504, 506 read with Section 34 of Indian Penal Code and

consequent proceeding R.C.C. No. 3270/2023 is quashed against the applicant nos. 2 to 8 i.e. applicant no. 2 - Balu s/o Sahebrao Kamble, applicant no. 3 - Kanta w/o Balu Kamble, applicant no. 4- Vishakha w/o Shekhar Bansode, applicant no. 5 - Shekhar s/o Bista Bansode, Applicant no. 6 - Vinayak s/o Sahebrao Kamble, applicant no. 7 - Archana w/o Somnath Gaikwad and applicant no. 8 - Somnath s/o Shankar Gaikwad.

(iii) The prayer of the applicant no. 1 - Nitin s/o balu Kamble for quashing of the First Information report is hereby rejected.

(iv) The application is disposed of in the above said terms.

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