



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

CRIMINAL APPLICATION NO.1336 OF 2024

1. Shri Harshad s/o Vinayak Manjre, aged – Occ. – presently Jobless, r/o 80 Gajanan Nagar, Omkar Nagar, Manewada, Ring Road, Nagpur – 440 027
2. Smt. Vijaya Vinayak Manjre, aged – Occ- Music Classes, both 1 and 2 are r/o 80 Gajanan Nagar, Omkar Nagar, Manewada, Ring Road, Nagpur – 440 027
3. Smt. Sunita Sudhakar Borkar, aged – 72, Occ. Retired Assistant Professor, R/o Tanushri Nursing Home, Opposite Bhagwan Nagar, Post Office, Near Danshree Mangal Karyalya, Nagpur – 440 027

... APPLICANTS

VERSUS

1. State of Maharashtra, through P.S.O. Gadge Nagar, Police Station, Tq. And Dist. Amravati.
2. Smt. Anuja w/o Harshad Manjre, Shriram Nagar behind Rathi Nagar, Gadge Nagar, Amravati.

... NON-APPLICANT(S).

Shri Padma M. Chandekar, Advocate for the applicants.
Mrs. M.H. Deshmukh, Addl. Public Prosecutor for the State.
Shri C.A. Babrekar, Advocate for the non-applicant no.2.

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

DATE : 09.06.2025.

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

RULE. Rule made returnable forthwith.

2. In the present case the applicants seek quashment of offence registered on the complaint of non-applicant no. 2 under Section 498A of the Indian Penal Code on the ground that, no case is made out against them even when the allegations made in the complaint are taken at their face value. All the allegations are vague and omnibus in nature.

3. Learned Additional Public Prosecutor appearing for the State and learned Counsel appearing for non-applicant no. 2 strongly opposed the application by stating that the allegations made against the applicants are specific and of serious nature. It is stated that the Investigating Officer recorded statement and on that basis filed charge-sheet in the matter. Hence, it is not a fit case to invoke inherent powers

and application deserves to be rejected.

4. We have heard the respective learned Counsel appearing for the parties and perused the record.

5. From the perusal of record, it is clear that, non-applicant no. 2 since 31.03.2019 due to health reason is residing with her parents at Amravati. According to her, applicants are not ready to take her back at her matrimonial house and insisting for mutual divorce to which she is not ready. This is the bone of contention of non-applicant no. 2 to set the criminal law in motion against the applicants.

6. It is clear from the record that at one hand she alleged that, the applicant is not taking her care and not even responding to her as and when she tried to talk or contact with him. But, perusal of What's App chat of applicant no. 1 and non-applicant no. 2 between period 31.03.2019 to 07.05.2023 speaks otherwise. Hence, allegations made by non-applicant no. 2 does not found trustworthy.

7. In present case, applicant no. 2 is the mother-in-law and applicant no. 3 is the friend/neighbourer of her. Only allegation against them is of instigation to husband to cause harassment to her but in support of said allegation there is no material on record nor she provided time, date, place and nature of harassment in support of her

submission. Hence, on vague and omnibus allegations no offence can be said to be made out against the applicants under Section 498A of the IPC.

8. Furthermore, applicant no. 3, who is neighbourer and friend of applicant no. 2 does not come under the purview of definition of 'relative'. Hence, no offence under Section 498A of IPC can be registered against her.

9. In the background of abovesaid facts, it will be relevant to refer the judgment of the Hon'ble Supreme Court in the case of ***Dara Laxmi Narayana and ors. vs. State of Telangana and anr. (2024) 12 SCR 559***, wherein Hon'ble Supreme Court observed thus :

“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.”

10. In view of facts of the present application and observation of the Hon’ble Supreme Court in the matter, we are of the confirmed view that non-applicant no. 2 initiated criminal proceeding against the applicants with an ulterior motive to settle her personal scores.

11. In the circumstances, allowing the prosecution against the applicants would be nothing short than abuse of process of law. Hence, same is liable to be quashed and set aside to meet the ends of justice. Hence, we proceed to pass the following order :

- (a) The Criminal Application is allowed.
- (b) Charge-sheet No. 471 of 2024 arising out of First Information Report No.0551 of 2024 registered with the Gadge Nagar Police Station, District Amravati for the offence punishable under Sections 498A of the Indian Penal Code, is hereby quash and set aside against the applicants.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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