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12 apl 1515-2024

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

CRIMINAL APPLICATION (APL) NO.1515 OF 2024

Pooja Chetan Bunde and another

Vs.

The State of Maharashtra through P.S.O., P.S. Rajapeth Amravati and another

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

Court's or Judge's orders

Shri S.B. Gandhe, Advocate for applicant
Ms H.N. Prabhu, APP for non-applicant/State

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

DATED : 24.09.2025

The present applicants who are the wife of brother in-law of the informant and applicant No.2, who is the cousin sister of the husband of the informant, approached to this Court for quashing of the First Information Report in connection with Crime No. 0413/2024, registered with Police Station Rajapeth, Amravati, under Section 498-A, read with Section 34 of the Indian Penal Code, as also, consequent Charge-sheet No. 440/2024 and R.C.C. No. 1285/2024, pending on the file of learned Judicial Magistrate First Class, Court No.7, Amravati.

2. The crime is registered against them on the basis of a report lodged by Pratibha Yogesh Bunde, who is non-applicant No.2, on an allegation that her marriage with Yogesh Bunde was performed on 03.06.2021. After marriage, she was resumed cohabitation, but she was not treated well and she was ill-treated by demanding the amount from her parents. It is alleged that the

present applicants assaulted her on 22.08.2023, with fists and kicks blows. On the basis of the said report, the police have registered the crime against the present applicants.

3. Heard learned Counsel for the applicants, who submitted that the applicant No.2 is residing separately, and as far as the allegations against the applicant No.1 are concerned, which are general in nature. Only because she is a family member, she is implicated. General and omnibus allegation is levelled against her. In view of that no *prima facie* case is made out.

4. Learned Additional Public Prosecutor strongly opposed the said application and invited our attention towards the recitals of the First Information Report.

5. After hearing both the sides and on perusal of the recitals of the First Information Report, admittedly, the applicant No.1 is the wife of the brother-in-law of the informant, and applicant No.2 is the cousin sister of the husband of the informant. As far as applicant No.2 is concerned, she is not residing along with the informant and her husband. Merely because she is a cousin sister, she is implicated in the alleged offence. Considering the recitals of the First Information Report, admittedly, general and omnibus allegations are levelled against the present applicants, and therefore, no *prima facie* case is made out.

6. The Hon'ble Apex Court in the case of ***Preeti Gupta Vs. State of Jharkhand, (2010) 7 SCC 667***, wherein, the Apex Court observed in paragraph Nos. 30, 32, 34 as under :

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is repeatedly increasing in our country. All the Courts in our country including this Court are flooded with the matrimonial cases. This really demonstrates discontent and unrest in the family life of a large number of people in the society.

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32. It is the 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 came across a large number of such complaints which are not even bona fide and as filed with oblique motive. At the same time rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

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

7. In the case of ***Kahkashan Kausar Vs. State of Birhar, (2022) 6 SCC 599***, the Supreme Court after taking stock of various decisions, rendered by the supreme Court in the subject matter, observed in paragraph No. 17 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.”

8. In view of the observations of the Hon'ble Apex Court, admittedly, no *prima facie* case is made out against the present applicants, and therefore, the application deserves to be allowed. Accordingly, we proceed to pass the following order:

ORDER

- i) Application is partly allowed.
- ii) The First Information Report in connection with Crime No. 0413/2024, registered with Police Station Rajapeth, Amravati, under Section 498-A, read with Section 34 of the Indian Penal Code, as also, consequent Charge-sheet No. 440/2024 and R.C.C. No. 1285/2024, pending on the file of learned Judicial Magistrate First Class, Court No.7, Amravati, is hereby quashed and set aside to the extent of the applicant No.1 Pooja W/o Chetan Bundeale and applicant No.2 – Pooja D/o Gajanan Bundeale.

The application is disposed of in the above said terms.

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

Jayashree..