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

CRIMINAL APPLICATION (APL) NO.1523 OF 2024

1. Parag s/o Dilip Raut,
Aged about 32 Years, [Husband of non-applicant No.1]
Occupation : Private Service,
2. Dilip s/o Shankarrao Raut,
Aged about 50 Years, [Father-in-law of non-applicant No.1]
Occupation : Rtd.S.T.,
3. Sou. Nanda w/o Dilip Raut,
Aged about 55 Years, [Mother-in-law of non-applicant No.1]
Occupation : Household.

All R/o Behind BHJ College,
Basant Nagar, Balaghat Road,
Gondia 441614 [M/S]
4. Sou. Pallavi w/o Akash Bhagalkar,
Aged about 32 Years, [Sister-in-law of non-applicant No.1]
Occupation : Govt. Service,
R/o Amravati, Now at Ramtek, [non-applicant Nos.4 to 6 deleted as
District Nagpur. Per Court's order dated 28.07.2025
and 28.08.2025.]
5. Pragati d/o Dilip Raut,
Aged about 28 Years,
Occupation : Private Service,
At. Pune [M/S],
Temporary Add.:- S. No.140/2/1,
Vidhata Residency and Jarina
Mandir, Hulawale Wasti, [Sister-in-law of non-applicant No.1]
Hinjarwadi,
Pune 411057 Maharashtra.
6. Sou. Sangita w/o Rajendra Nagmote,
Aged about 55 Years, [Cousin mother-in-law
of non-applicant No.1]
Occupation : Private Service,
R/o. Cotton Market, Nagpur. **APPLICANTS**

// VERSUS //

1. Vishakha w/o Parag Raut,
Aged about 28 Years, MCA
Occupation : Private Service,

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R/o c/o Moreshwar Diwate,
Plot No.20, Hudkeshwar Road,
Near Ghodke School Sudarshan
Nagar, Hudkeshwar Road Bk.,
Nagpur – 440034.
[Maharashtra]

[Complainant]

2. The State of Maharashtra,
Through Police Station Officer,
Police Station, Ram Nagar,
Gondia, District Gondia.

.... **NON-APPLICANTS.**

Mr. R. B. Gaikwad, Counsel for the applicants.
Ms. Maushami Mohanto, Counsel h/f Mr. Mohammed Ahfaz
Qureshi, Counsel for the non-applicant No.1.
Ms. Shamshi Haider, APP for non-applicant No.2/State.

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 23/09/2025**

ORAL JUDGMENT : [Per : URMILA JOSHI-PHALKE, J.]

1. **Admit.**
2. Heard finally with the consent of the learned Counsel for the parties.
3. The present application is filed by the applicants for quashing of the First Information Report in connection with Crime No.244/2024 registered with Police Station, Ram Nagar, Gondia and consequent proceedings RCC No.6/2025 registered under Sections 85, 296, 115, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023. During pendency of the application, the charge sheet is filed wherein the applicant Nos.4 to 6 are not charge sheeted and therefore, their names are

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deleted from the application. Now the applicant Nos.1 to 3 are before the Court, who are husband and in-laws.

4. The crime is registered on the basis of a report lodged by the informant non-applicant No.2, who is the wife of the applicant No.1 that her marriage was performed with the applicant No.1 on 17.12.2022. After marriage, she resumed the cohabitation at the house of the present applicants, but she was not treated well and on various occasions she was assaulted, abused by the applicant No.1 on the instigation of applicant Nos.2 and 3. On the basis of the said report, police have registered the crime against the present applicants.

5. Heard learned Counsel for the applicants, who submitted that as far as the applicant No.1 is concerned, he is not pressing the application for applicant No.1. He further submitted that the allegations against the applicant Nos.2 and 3 are baseless and omnibus allegations which are general in nature. He also invited our attention towards the CCTV footage panchnama on page 108 and submitted that even the CCTV footage panchnama substantiates the said contentions as it shows that when there was a quarrel going on between the husband and wife, the applicant Nos.2 and 3, who have intervened in the quarrel and rescued the informant when the applicant No.1 was allegedly assaulting the informant. Thus, this

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CCTV footage itself is sufficient to show that no role is attributed to the applicant Nos.2 and 3. He further submitted that considering the omnibus and general allegations against the applicant Nos.2 and 3 they have made out a case for quashing of the FIR.

6. Learned APP and learned Counsel for the non-applicant No.2 strongly opposed the said application on the ground that considering the *prima facie* material against the present applicants, who are the in-laws that on their instigation the applicant No.1 was assaulting, abusing and beating the informant and therefore, at this stage, *prima facie* case is made out against the present applicant Nos.2 and 3.

7. On hearing both sides and on perusal of the entire investigation papers, it reveals that prior to the lodging of the FIR it was the applicant No.2, who has lodged the report at Bharosa Cell Gondia, stating that there was a quarrel between the husband and wife i.e. son and daughter-in-law and his son has left the house and requested to counsel his son as well as daughter-in-law. The recitals of the FIR also shows that the allegation against the applicant Nos.2 and 3 are concerned, which is to the extent of the instigation to the applicant No.1. No specific instances or specific act is attributed to the applicant Nos.2 and 3 as far as the instigation is concerned. The CCTV

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footage panchnama which is collected during the investigation shows that on 18.06.2024, there was a quarrel between the husband and wife and during that quarrel, the applicant No.1 allegedly assaulted the informant, at that time the applicant Nos.2 and 3 have intervened in the quarrel and rescued the informant and took the applicant No.1 in another room. This CCTV footage itself sufficient to show that the role of the present applicant was not either in the ill-treatment or instigating the applicant No.1 to beat or assault the informant. Thus, all the statements as far as the applicant Nos.2 and 3 are concerned, are omnibus and stereotypes and nowhere disclose particulars of the ill-treatment and demand at their hands. At this stage, reference can be given to the observations made by the Apex Court in the case of **Preeti Gupta & Anr vs State of Jharkhand & Anr** reported in **(2010) 7 SCC 667** and in para Nos.30, 32 and 34 observed that:

"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

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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."

8. **Kahkashan Kausar @ Sonam vs The State of Bihar and others** reported in **(2022) 6 SCC 599**, wherein it is observed in para 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."

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9. In view of the observation of the Hon'ble Apex Court in the case of **Dara Lakshmi Narayana vs. State of Telangana**, reported in **MANU/SC/1309/2024**, wherein the Apex Court has considered the aspect that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Apex Court further 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 observation of the Hon'ble Apex Court in the present case also the record specifically shows that it was the dispute between the husband and wife and due to the dispute between the spouses the applicant Nos.2 and 3, who are parents are unnecessarily roped into. In view of that, the applicant Nos.2 and 3 have made out a case for quashing of the FIR as well as the consequent proceeding and therefore, we proceed to pass following order.

ORDER

(i) The application is **allowed**.

(ii) The First Information Report in connection with Crime No.244/2024 registered with Police Station Ram Nagar, District Gondia, for the offence punishable under Sections 85, 296, 115, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and consequent proceedings RCC No.6/2025 is hereby quashed and set aside to the extent of applicant Nos.2 and 3.

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(iii) The application in respect of applicant No.1 Parag s/o Dilip Raut is disposed of as not pressed.

The application is disposed of as above said terms.

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

Sarkate.