



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

CRIMINAL APPLICATION (APL) NO. 1667 OF 2022

Chandrabhan Devkrushnarao Hive

Vs.

State Of Maharashtra. Thr. P.S.O., P.S. Awdhutwadi, Yavatmal Tq. And Dist. Yavatmal
And Anr.

CRIMINAL APPLICATION (APL) NO. 1614 OF 2022

Devkrushnarao Rangrao Hive And Ors.

Vs.

State Of Maharashtra. Thr. P.S.O., P.S. Awdhutwadi, Yavatmal Tq. And Dist. Yavatmal
And Anr.

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

Court's or Judge's orders

Mr. Y. P. Bhelande, Advocate for applicant
Mr. Kunal Dhoble, Advocate for non- applicant no. 2
Mr. M. J. Khan, APP for non-applicant/State

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

DATED : 20.11.2025

1. Both the applications are filed by the applicants therein for quashing of the First Information Report, in connection with Crime No. 1098 of 2022, registered under Sections 498A, 504, 506, read with Section 34 of the Indian Penal Code, 1860.

2. The applicants in the application no. 1614 of 2022 are the in-laws and other are nearest relatives, whereas the Criminal Application No. 1617 of 2022 is filed by the husband.

3. The crime is registered against the present applicants on the basis of report lodged by the informant, Mamta Chandrabhan Hive, on allegation that her marriage was performed with the applicant Chandrabhan Devkrishnrao Hive in the year 2022. After marriage she resume the cohabitation at the house of the present applicants; at the relevant time, her husband, along with his parents, her sister-in-law, were residing together. The applicants were honoured in the marriage, however, her husband was not interested in the physical relationship and was avoiding the same. She further alleged that she was also ask to bring the 5 lakh Rs. from her parents and on that count, she was ill-treated, abused by the husband as well as the other applicants. On the basis of the said report, police have registered the crime against the present applicants.

4. Heard learned counsel for the applicants, who submitted that as far as the applicants in application no. 1614 of 2022 is concerned, general, omnibus and vague allegations is levelled. In a concluding fact, no specific instanced are narrated by the informant. Merely because they are relatives of the husband, they are implicated in the alleged offence. He submitted that, as far as the husband is concerned, against whom also the allegation is baseless, without stating any specific instances, he also placed on record the certified copy of the judgment and decree passed in Petition No. 102 of 2025, wherein the Family Court, Yavatmal, has passed the decree of dissolution of marriage

by mutual consent. He invited our attention towards the recital of the said decree, wherein it is mentioned that the applicant husband, Chandrabhan, and the informant have already settled the matrimonial dispute, and they filed an application by mutual consent for dissolution of marriage. She further agreed before the Family Court that she is inclined to withdraw all the petitions which are pending before this Court and, by verifying the said contents, the decree of dissolution of marriage by mutual consent was passed by the Family Court, Yavatmal. The present applications were kept pending, but subsequently of passing of the said decree, the non-applicant no. 2 is avoiding to attend the proceedings. Despite the various communications are made by her counsel, also notice is already served on her of the application, but she remained absent for recording the settlement in view of the decree passed by the Family Court.

5. Learned APP strongly opposed for the same and submitted that considering the allegations levelled against the husband, the prayer of the husband for quashing of the First Information Report deserves to be rejected. Learned counsel for the informant also objected for the quashing of the First Information Report. In view of that, they both prayed that applications are deserves to be rejected.

6. On hearing both the sides and perusal of the entire investigation papers, as far as the applicants in application no. 1614 of 2022 are concerned, admittedly general and

omnibus allegations are levelled against them in one sentence that they have also ill-treated her by demanding the amount. No specific instances are narrated by the informant. As far as the husband is concerned, only allegation against the him is that he was not intending to have physical relationship with her and also demanding the amount of Rs. 5 lakh, but she has nowhere specified that when the such demand was made, as well as she is not also specified the specific instances of the ill-treatment at the hands of the husband. More particularly, the conduct of the non-applicant no. 2 is to be looked into, as the certified copy of the decree passed by the Family Court shows that by mutual consent non-applicant no. 2 and the applicant Chandrabhan filed an application for dissolution of marriage by the mutual consent. The recitals of the decree shows that she has withdrawn her rights as far as the property rights are concerned. She also admitted before the Family Court that she would not claim any monetary benefits from the present applicants, she has waived the right of maintenance also, and subsequently she remained absent before this Court. Thus, considering the conduct of the non-applicant no. 2, that she remained absent before this Court for recording the further consideration as far as the compromise is concerned, and considering the facts and circumstances of the present case that no specific allegations are levelled against the present applicants, as far as the ill-treatment is concerned, the observation of the Hon'ble Apex Court in the case of *Preeti Gupta and another Vs. State of Jharkhand*, reported in

2010 (7) SCC 667, wherein it is held that the allegation of harassment by the husband's close relations, who have been living in different cities and never visited or rarely visited the place where the complainant wife resided, would have an entirely different complexion, such allegations of the complainant are required to be scrutinise with great care and circumspection. This aspect is further 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 it is observed by Hon'ble Apex Court that the family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. Here it appears that the matrimonial discord was there subsequently, and the applicant and non-applicant no. 2 both have settled the dispute; in view of that settlement, the decree of dissolution of marriage is already passed. In view of that, both the applications are deserves to be allowed. Accordingly, we proceed to pass the following order:-

ORDER

(i) Application No. 1614/2022 and 1667/2022 are allowed.

(ii) The First Information Report in connection with Crime No. 1098/2022 registered under Sections 498A, 504, 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same R.C.C. No.

99/2023 pending in the Court of Judicial Magistrate, First Class, Yavatmal is hereby quashed and set aside to the extent of the present applicants.

(iii) Both the applications are disposed of.

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