



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

CRIMINAL APPLICATION (APL) NO.1631 OF 2023

Mangesh Rajkumar Sontakke and another
Vs.

State of Maharashtra, through Police Station Officer, Police Station Kapil
Nagar Nagpur and another

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

Court's or Judge's orders

Mr. R. R. Rathod, Advocate for applicants.
Ms. S. V. Kolhe, APP for non-applicant No.1/State.
Mr. N. K. Bhangde, Advocate h/f Mr. A. K. Bhangde, Advocate for
non-applicant No.2.

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

DATED : 27/11/2025

1. The application is for quashing of the First Information Report in connection with Crime No.486/2023 registered with Police Station Kapil Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.

2. The crime is registered on the basis of a report lodged by the informant on an allegation that her marriage was performed with the co-accused on 11.04.2022. After marriage, she resumed cohabitation at the house of her in-laws. The present applicant No.1 is the husband of her sister-in-law and the applicant No.2 is sister-in-law. She alleged that after marriage, she was taunted. It was further alleged that the unlawful demand was made from her, on that count, there was a quarrel between her and her in-laws. She

was physically and mentally ill-treated by the other co-accused. As far as the present applicants are concerned, it is alleged that the present applicants were inducing and instigating her in-laws as well as her husband, due to which she was physically and mentally ill-treated by the other applicants. On the basis of the said report, police have registered the crime against the present applicants.

3. Heard learned counsel for the applicants, who submitted that except the allegation regarding the inducement and the instigation, no other material is there as far as the present applicants are concerned and it is vague and general in nature. There is no specific instance as to when there was a video conferencing call between the present applicants and the other co-accused and how she was ill-treated, due to the inducement at the hands of the present applicants. He submitted that, considering the nature of the allegation, no *prima facie* case is made out. In view of that, the application deserves to be allowed.

4. Learned APP and learned counsel for the non-applicant No.2/complainant strongly opposed for the same and submitted that there is a specific role attributed to the present applicants. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the FIR and the entire investigation papers, except the allegation that the present applicants used to call her in-laws through video conferencing and inducing and instigating them, there is no

specific instances are narrated. The entire FIR depicts that the vague, general allegations are levelled against the present applicants. Moreover, the applicant No.2 is married long back and staying with her husband at different place, which is far away from the place of residence of the informant. Merely because she is the sister of the husband of the informant, she appears implicated in the alleged offence. Considering the nature of the allegations, admittedly, no *prima facie* case is made out.

6. In the case of **Dara Lakshmi Narayana vs. State of Telangana, MANU/SC/1309/2024**, the Hon'ble Apex Court has made it clear that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court 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. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law.

7. In view of the aforesaid observations of the Hon'ble Apex Court, the application deserves to be allowed. Accordingly, we proceed to pass following order.

ORDER

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

(ii) The FIR in connection with Crime No.486/2023 dated 02.11.2023 registered with Police Station Kapil Nagpur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing RCC No.4649/2025 pending before the 20th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Nagpur, is hereby quashed and set aside to the extent of the present applicants.

The application is disposed of.

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