



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

CRIMINAL APPLICATION (APL) NO. 1731 OF 2024

Aniket Anurath Surnar & Ors.

Vs.

State of Maharashtra, Thr. Its PS.O., Police Station- Gadchiroli, Dist. Gadchiroli & Anr.

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

Court's or Judge's orders

Mr. P. V. Ghare, Advocate for applicant

Mr. S. D. Chande and Mr. Sunil Kulkarni, Advocate for non-applicant no. 2

Ms. Swati Kolhe, APP for non-applicant/State

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

DATED : 25.11.2025

1. Present application is preferred by the applicants under Section 482 of Code of Criminal Procedure, for quashing of the First Information Report in connection with Crime No. 434/2024 registered under Section 498A, 323, 504, 506, read with Section 34 of the Indian Penal Code, 1860, and Section 4 of the Dowry Prohibition Act, 1961.

2. The applicant no. 1 is the husband, applicant no. 2 is mother-in-law, applicant no. 3 is the maternal uncle and applicant nos. 4 and 5 are sisters-in-law.

3. Crime is registered on the basis of report lodged by the non-applicant no. 2, on an allegation that her marriage was performed with the applicant no. 1, and after marriage she resumed co-habitation at the house of the present

applicants. At that time, applicant no. 2 to 4 were residing in joint family. It is alleged that the applicant no. 5 is serving as a Talathi, and she used to be contact with the other applicants. As per her allegations, her husband was harassing her by subjecting her for the forceful sexual assault in a unnatural way. He also ill-treated her by demanding the unlawful demands, and on the instigation of the other applicants. She alleged that the applicant no. 2 to 5 used to ill-treat her by taunting her on various reasons, and therefore, she constrained to leave the matrimonial house. 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 applicant no. 1 is concerned, he is withdrawing the application, and as far as the applicant no. 2 to 5 are concerned, general allegations are levelled against them, merely because they are the relatives of the applicant no. 1 husband. He invited our attention towards the statements of the witnesses and submitted that no specific instances are narrated by the informant as far as to substantiate the allegations regarding the demand of money and ill-treatment at the hands of the applicant no. 2 to 5. The allegation appears to be there merely because they are the close relatives of the applicant no. 1. He submitted that to attract Section 498A of IPC, which prescribes punishment were a women is subjected to cruelty by her husband or his relatives. The offence is punishable with imprisonment for a

term which may extend to three years and also provides for fine. The explanation appended to the provision defines cruelty in two parts:

(a) refers to willful conduct which is of such nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to her life or limb or health, whether mental or physical;

(b) expands the scope of the term to include harassment with a view to coercing the woman or her relatives to meet any unlawful demand for property or valuable security, or on account of failure to meet such demand.

5. He submitted that, in view of the above legal provisions, if the allegations are taken at its face value, no prima facie case is made out against the present applicants. In view of that, the application deserves to be allowed.

6. Per contra, learned APP strongly opposed the same and submitted that, considering the allegation levelled against the present applicants, which is specific, the prima facie case is made out. Learned counsel for the complainant endorsed the same contentions.

7. On hearing both the sides and perusal of the entire investigation papers, at its face value, the allegation as far as the applicant no. 2 to 5 are concerned, appears to be

omnibus and general in nature. No specific instances are narrated as far as the instigation on the part of the applicant no. 2 to 5 are concerned. Admittedly, the applicant no. 4 and 5 are already married, and they are residing at their matrimonial house. There is no occasion for them to visit the house of the informant and her husband unless there is an any occasion for them. As far as the applicant no. 2 is concerned, she is also residing separately. On perusal of the entire First Information Report, as well as the various statements of the witnesses, as far as the applicant no. 2 to 5 are concerned, admittedly, no specific instances are narrated either in the First Information Report or in a subsequent statement. It is apparent that they are implicated merely because they are the close relatives of the applicant no. 1 husband. As far as the applicant no. 1 husband is concerned, for whom the learned counsel for the applicant has already withdrawn the application. A careful scrutiny of the charge sheet shows that the statement of the informant, wherein all the allegations are omnibus, stereotype, and not stating any particulars about the ill-treatment and of money.

8. At this stage, reference can be given to the observations made by the Hon'ble Apex Court in the matter of *Preeti Gupta and another Vs. State of Jharkhand*, reported in **2010 (7) SCC 667** wherein the Hon'ble Apex Court observed in the paragraph no. 30, 32 and 34 as under :-

“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 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 visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations”

9. In another case *Kahkashan Kausar @ Sonam vs. The State of Bihar*, reported in (2022) 6 SCC 599, the Hon’ble Apex Court after taking a stock of various decisions rendered by the Hon’ble Apex Court, observed as follows:-

“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.”

10. On perusal of the entire investigation papers, in the light of the above propositions laid down by the Hon’ble Apex Court, admittedly, there is no specific allegations as far as the ill-treatment at the hands of present applicants are concerned. The observation of the Hon’ble Apex Court in the ***Dara Lakshmi Narayan and Others vs. State of Telangana and Others***, reported in MANU/SC/1309/2024, is relevant wherein it is observed that the family members of the husband ought not to be unnecessarily roped into criminal proceeding arising out of matrimonial discord. The Court observed that it has become 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 these two spouses.

11. Here in the present case, it is apparent that the First Information Report came to be lodged, and there is dispute between the husband and wife, and the other family members are also implicated. Considering the nature of allegation, which is general and omnibus in nature, the application deserves to be allowed partly. Accordingly, we proceed to pass following order.

ORDER

- (i) Application is allowed partly.
- (ii) The First Information Report in connection with Crime No. 434/2024 registered under Section 498A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961 and consequent proceeding arising out of the same bearing Charge Sheet No. 212/2024 is hereby quashed and set aside to the extent of the present applicants i.e. applicant no. 1 – Aniket s/o Anurath Surnar, applicant no. 2 – Sangubai d/o Hanmantrao Dhulgunde, applicant no. 3 – Shriram s/o Hanmantrao Dhulgunde, applicant no. 4 – Pranita w/o Shriram Dhulgunde and applicant. no. 5 – Vanita d/o Hanmantrao Dhulgunde @ Vanita Santosh Markend.
- (iii) The application for applicant no. 1 stands disposed of with liberty to file an appropriate proceeding before the appropriate Court.

(iv) The application is disposed of in the above said terms.

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

Shubham