



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**NAGPUR BENCH, NAGPUR**

**CRIMINAL APPLICATION (APL)NO. 176/2024**

1. Nikhil Narendra Londhe,  
Aged 37 years, Occ- Private Service,  
R/o. 501, Laxmi Datt Apartment,  
Behind Maratha Mandir,  
Bavdhan, Pune. - 411 021  
Presently residing at :  
House No. 201, Grenseveien 9B  
Oslo, Norway  
PIN – 0571, Europe  
Through Power of Attorney:  
Avadhoot Pradeep Patekar,  
Age 26 years, Occupation Education,  
R/o Sherkar Galli, Ahmednagar
2. Nikita w/o Ballal Dahotre @  
Nikita Narendra Londhe  
Aged 34 years, Occu. Private Service,  
R/o.201/7, Tulip, Vardhaman Garden  
Balkum Fire Station,  
Behind Majiwada Municipal Corporation  
Thane (West) – 400 607

... **APPLICANT**  
(Orig. Accused No. 1 & 3)

**...VERSUS...**

1. State Of Maharashtra,  
Through Bhandara Police Station,  
(Copy to be served on the  
Public Prosecutor, High Court of Bombay,  
Nagpur Bench, Nagpur)
2. Sau. Mrunmayee Nikhil Londhe  
Age 32 years, Occu. Private Service

At present residing at :  
Radhakrushna Ward,  
Behind Rajasthani Bhavan,  
Bhandara Dist. Bhandara

**...NON-APPLICANTS**  
(No.2 Orig. Complainant)

-----  
Mr. Yash S. Jaiswal, Advocate for applicants  
Mr. A. J. Gohokar, APP for non-applicant/State  
-----

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

**RESERVED ON : 10<sup>th</sup> DECEMBER, 2025.**  
**PRONOUNCED ON : 24<sup>th</sup> DECEMBER, 2025.**

**JUDGMENT (PER : NANDESH S. DESHPANDE, J.)**

Heard. **Admit.** Heard finally with the consent of learned  
Counsel for the parties.

2. The Applicants have approached this Court by filing the present application under Section 482 of the Code of Criminal Procedure, 1973, seeking quashing of the First Information Report dated 04.04.2023, registered as Crime No. 172/2023 at Police Station Bhandara, District Bhandara, as also for quashing of chargesheet dated 13.11.2023 registered as Final

Report form no. 335/2023 for offense punishable under Sections 498-A, 504 and 34 of Indian Penal Code,1860. which is presently pending before the Learned Judicial Magistrate First Class, Bhandara, District Bhandara.

3. As per oral report of non-applicant no.2 and reflected in First Information Report, it is the case of non-applicant no. 2 that, she became acquainted with applicant no. 1 through the Bharat Matrimony website. Accordingly, on 22.07.2021, they solemnized their marriage as per customs and traditions with consent of families. It is alleged that two days prior to the marriage, applicant no. 1 and accused no. 2 (since deceased) made a telephone call to non-applicant no. 2's mother and made a demand of an amount of ₹5,00,000/- as marriage shagun. The said amount of ₹5,00,000/- demanded by applicant no. 1 and accused no. 2 was given by non-applicant no. 2's mother in cash to Accused No. 2 at the time of the marriage. It is further alleged that it was mutually agreed that the marriage expenses would be shared equally between non-applicant No. 2's mother and the applicants/accused, applicant no. 1 and accused no. 2 did not bear their share of

the marriage expenses. Consequently, non-applicant no. 2's mother had to bear the entire marriage expenditure amounting to approximately ₹20,00,000/-, causing her substantial financial loss.

4. It is further alleged that after marriage, Applicant No. 1 left for Norway on 09.08.2021, promising to arrange her visa within three months but failed to do so. While at the matrimonial home, accused no. 2, subjected non-applicant no. 2 to physical and mental cruelty and demanded ₹25,00,000/- and applicant No. 2 harassed her telephonically while the applicant no. 1 supported these demands. Unable to tolerate the harassment, non-applicant no. 2 returned to her mother's home at Bhandara. Since 23.02.2022, applicant no. 1 has ceased all communication with her. Aggrieved by this she lodged the present First Information Report which is challenged in the present application.

5. We have heard Mr. Yash Jaiswal, Advocate for applicants, Mr. Aditya Gohokar, Additional Public Prosecutor

for non-applicant No. 1/State and Mr. A.V. Muley for non-applicant no.2.

6. Mr. Yash Jaiswal, learned counsel for applicants submits that applicant no. 1 left India on 09.08.2021 for his employment in Norway. On the very next day, non-applicant no. 2 left her matrimonial home without informing applicant no. 1 or obtaining permission from her mother-in-law (accused no. 2). Applicant No. 1 requested her to reside with his mother until the visa process for Norway was completed. Applicant No. 1 accordingly completed the visa process and deposited the requisite amount. Despite being granted three opportunities by the visa office, non-applicant no. 2 failed to appear for her visa interview.

7. The learned Counsel further submits that as far as the expenditure of marriage is concerned it was, applicant no. 1 who sent an amount of ₹3,73,101/- through internet banking to the bank account of non-applicant no. 2 for marriage expenses.

8. The learned Counsel further submits that non-applicant no.2 informed Applicant No. 1 that she was unwilling to relocate to Norway and did not wish to continue the marital relationship. Despite multiple requests, she refused to reside with applicant's mother or join to him in Norway. Consequently, Applicant No. 1 filed Petition No. PA/973/2023 for restitution of conjugal rights before the Family Court at Pune on 10.04.2023. Aggrieved by this non-applicant no. 2 filed Divorce Petition No. A.1237/2022 before the Family Court at Nagpur and another Petition No. E.443/2022 for maintenance.

9. The learned Counsel further submits that applicant No. 2 (sister-in-law) is residing at Thane and had no contact with non-applicant no. 2 except during the marriage ceremony on 22.07.2021. Thus, allegations against applicant no.2 are baseless and devoid of any merit.

10. The learned Counsel further submitted that after the lodging of the First Information Report, non-applicant no.2 acted in collusion with the police and pressurized accused no.

2 (mother of the applicants) to obtain applicant No. 1's consent for divorce. Due to this relentless pressure, accused no. 2 suffered hypertension and a major cardiac arrest, resulting in her death on 11.05.2023. Even thereafter, non-applicant no. 2 did not cease harassment, and neither she nor her relatives attended the funeral or performed last rites of applicant's mother.

11. Lastly, learned Counsel submits that the allegations are wholly concocted and devoid of any truth. The continuation of proceedings would constitute an abuse of the process of Court and law. The First Information Report has been lodged solely with the malafide intention of obtaining Applicant No. 1's consent for divorce and harassing the applicant family.

12. Mr. Aditya Gohekar, Additional Public Prosecutor, appearing on behalf of the State, vehemently opposes the present application and submits that the investigating agency was fully justified and acted in accordance with law in registering the First Information Report against the applicants.

13. Mr. A.V. Muley, counsel for non-applicant no.2 adopts the submission of learned APP and further submits that as per First Information Report lodged on 04.04.2023 and the Statements recorded of the witnesses there is a prima facie case and hence application deserves to be dismissed.

14. In view of the facts and material placed on record, A careful perusal of the First Information Report reveals that the allegations against the applicants are vague, general, and omnibus in nature. The FIR does not contain specific dates, times, places, or manner of alleged harassment beyond general statements. There are no particulars provided regarding how applicant no. 1 allegedly supported the demands of accused no. 2. The allegation that a sum of ₹25,00,000/- was demanded lacks any corroboration or specific instances of when, where, and in what circumstances such demand was made. No details are provided as to what form the alleged mental and physical cruelty took, or what specific acts were committed by which person at what time.

15. As far as applicant no. 2 is concerned, who is the sister-in-law of non-applicant no.2 and is residing at Thane, there is a complete absence of any allegations showing her active involvement, presence at the matrimonial home, or any specific act of cruelty. Her only contact with the complainant was during the marriage ceremony on 22.07.2021. There is no allegation that she resided with the complainant or had any regular interaction thereafter. It is a matter of common experience that most of these complaints under Section 498-A of the Indian Penal Code are filed by the informant against all the relatives merely because they are family members. Without narrating any specific instances, it has become a tendency to implicate all the family members in such type of crime.

16. The Apex Court in *Dara Lakshmi Narayana and Others vs. State of Telangana and Another, MANU/SC/1309/2024 [decided on 10.12.2024]*, 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. The Court further held that a mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping allegations cannot constitute the basis for criminal prosecution.

17. The Court emphasized 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. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse. The Court further observed that a bare perusal of the FIR which

shows that the allegations made are vague and omnibus, and other than claiming harassment, there are no specific details or described particular instances of harassment where the time, date, place, or manner in which the alleged harassment occurred has not been mentioned, cannot be sustained.

18. Further, the chronology of events in the present case is extremely significant and reveals the malafide intention behind lodging the First Information Report. The marriage between applicant no. 1 and non-applicant no. 2 was solemnized on 22.07.2021. On 09.08.2021, applicant no. 1 left for Norway for his employment. On the very next day, on 10.08.2021, non-applicant no. 2 left her matrimonial home without informing applicant no. 1 or obtaining permission from her mother-in-law accused no. 2. Non-applicant no. 2 had already filed Divorce Petition No. A.1237/2022 before the Family Court at Nagpur and another Petition No. E.443/2022 for maintenance, clearly indicating that she had no intention of continuing the marital relationship.

19. In **Digambar and Another vs. The State of Maharashtra and Another, (2024 INSC 1019)** [decided on 20.12.2024], the Supreme Court held that the proceedings were initiated with an ulterior motive of pressurizing the son of the appellant to consent to the divorce according to the terms of the complainant and the proceedings were used as a weapon by the complainant in the personal discord between the couple. The Court emphasized that Section 498A was intended to protect women from genuine cruelty in matrimonial homes, particularly due to unlawful demands for dowry, but the provision is increasingly being misused as a tool for personal vendetta or as a counterblast to divorce proceedings initiated by the husband.

20. As far as the allegation regarding marriage expenses is concerned, it is the case of the applicants that applicant no. 1 transferred an amount of ₹3,73,101/- through internet banking to the bank account of non-applicant no. 2 for marriage expenses. This contradicts the allegation in the FIR that applicant no. 1 and accused no. 2 failed to bear their share of marriage expenses.

21. After considering the entire First Information Report which is on record, the material placed before us, the submissions of the learned counsel for the parties, and the law settled by the Hon'ble Supreme Court in the aforesaid decisions, we are satisfied that the allegations in the FIR are wholly concocted and devoid of any truth. The allegations are vague, general, and omnibus in nature, without any specific particulars as to dates, times, places, or manner of alleged cruelty or harassment. Continuing the prosecution against the Applicant would, therefore, be an abuse of process of law and the situation would squarely fall within the various parameters laid down by the Hon'ble Supreme Court in the case of **State of Haryana and others Vs. Ch. Bhajan Lal** and others, reported in **1992 Supplementary (1) SCC 335** and more particularly clause 1,3 and 7 of para 102 of the judgment. 13.

*"1. Where the allegations made in the First Information Report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima-facie constitute any offence or make out a case against the accused.*

*3. Where the uncontroverted allegations made in*

*the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.*

*7. Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."*

22. We are, therefore, of the considered view that this is a case where powers under Section 482 of the Criminal Procedure Code are to be exercised for the reason stated above.

### **ORDER**

- i) The application allowed.
- ii) The First Information Report dated 04.04.2023, registered as Crime No. 172/2023 at Police Station Bhandara, District Bhandara, and the chargesheet dated 13.11.2023 registered as Final Report form no. 335/2023 for offenses

punishable under Sections 498(a), 504, and 34 of the Indian Penal Code, 1860, presently pending before the Learned Judicial Magistrate First Class, Bhandara, District Bhandara, are hereby quashed and set aside to the extent of present applicants.

iii) The application is disposed of accordingly.

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

Shubham