



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

CRIMINAL APPLICATION (APL) NO. 189 OF 2024

(Jumma Piru Luluwale & Ors.

Vs.

State of Maharashtra, Thr. Police Station Officer, Karanja (City), District
Washim & Anr.)

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

Court's or Judge's orders

Mr. V.R. Hamand, Advocate h/f Mr. P.W. Mirza, Advocate for the Applicants.
Mr. M.J. Khan, APP for the Non-applicant No.1/State.
Mr. N.D. Borkar, Advocate for the Non-applicant No.2.

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

DATED : 8th DECEMBER, 2025

1. The present Application is preferred by the Applicants for quashing of the FIR in connection with Crime No.798/2021 registered with Police Station, Karanja, District Washim for the offence punishable under Sections 498-A, 323 and 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No. 89/2022.

2. The crime is registered against the present Applicants on the basis of the report lodged by the Non-applicant No.2 on an allegation that her marriage with the co-accused Mustafa Luluwale was performed on 08.06.2014 and the Applicant Nos.1 and 2 are his parents, whereas the Applicant No.3 is the brother and Applicant No.4

is his sister. As per her allegation after marriage she resumed the cohabitation but she was illtreated by the present Applicants for various reasons including domestic reasons as well as they used to instigate her husband and due to their instigation she was insulted by her husband as well as he has demanded money to her and for the fulfillment of said demand he used to beat her and mentally and physically illtreated her. 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 even accepting the allegation as it is, general allegation is levelled against the present Applicants. As far as the Applicant Nos. 1, 3 and 4 are concerned only their names are mentioned and no specific instances are narrated against them. As far as the mother-in-law is concerned, the allegation is of here and there in nature for the domestic reasons. Instigation on the part of the Applicant Nos.2 and 4 is alleged by her but no specific instances are narrated by her and the nature of instigation is also not narrated by her. He submitted that, considering the ingredients of the offence punishable under Section 498-A of the Indian Penal Code is concerned, general and omnibus allegation is not sufficient to attract the provisions, and therefore, the Application deserves to be allowed.

4. *Per contra*, learned APP strongly opposed the same on the ground that considering the statement of the Informant which specifically alleges against the present Applicants *prima facie* case is made out against them, and

therefore, the Application deserves to be rejected.

5. Learned Counsel for the Non-applicant No.2/Informant also reiterated the said contentions and invited our attention towards various statements of the witnesses and submitted that specific allegations are levelled against the mother-in-law, and therefore, *prima facie* case is made out against them. He submitted that, the statements also shows that she alongwith the Applicant No.4 illtreated the Informant for various reasons, and therefore, the Informant constrained to leave the matrimonial house. In view of that, the Application deserves to be rejected.

6. On hearing both the sides and on perusal of the investigation papers it reveals that, as far as the present Applicants are concerned who are the relatives of the husband, against them general and omnibus allegations are levelled to the extent that they used to insult her by instigating her husband and her husband used to illtreat her physically as well as mentally. Admittedly, no specific instances are narrated by the Informant as far as the instigation on their part is concerned and the other ill-treatment for the domestic reason is concerned, which is also a general allegation against the present Applicants.

7. At this stage, reference can be given to Section 498-A of IPC, which reads as under:

“498A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with

imprisonment for a term which may extend to three years and shall also be liable to fine.”

Explanation.—For the purpose of this Section, “cruelty” means-

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

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

8. On perusal of the said definition given under Section 498-A of the Indian Penal Code and the allegations against the present Applicants, admittedly no specific instances are narrated against the present Applicants as far as the demand is concerned. The allegation as to the ill-treatment is concerned, also no specific role is attributed and nothing is on record to show that there was a wilful conduct on the part of the present Applicants to cause her any injury or driving her to commit suicide or there was no any wilful conduct which is of such a nature as to danger her life, limb or health.

9. The tendency of implicating all the relatives is also commented by the Hon’ble Apex Court in the case of ***Dara Lakshmi Narayana & Ors. Vs. State of Telangana & Ors., MANU/SC/1309/2024***, wherein it is held 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.

10. In view of above observations if the facts of the present case are taken into consideration, it is apparent that due to the dispute arose between the husband and wife the present Applicants who are the nearest relatives appears to have been implicated in the alleged offence. The nature of the allegation is general and omnibus in nature. In view of that, the Application deserves to be allowed. Accordingly, we proceed to pass the following order.

ORDER

i. The Application is **allowed**.

ii. The First Information Report in connection with Crime No. No.798/2021 registered with Police Station, Karanja, District Washim for the offence punishable under Sections 498-A, 323 and 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No. 89/2022 pending before the Civil Judge Junior Division & J.M.F.C, Karanja Lad, District Washim, are hereby quashed and set aside to the extent of the present Applicants.

11. Pending application/s, if any, shall stand disposed of accordingly.

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