



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

CRIMINAL APPLICATION (APL) No.205 OF 2024

(Pandhurang s/o. Lakshmanrao Jaybhaye and others Vs. State of Maharashtra, through
PSO, PS Yavatmal, Tah. And Distt. Yavatmal 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. V.S. Giramkar, Advocate for applicants.
Ms. H.N. Prabhu, APP for non-applicant No.1.
Mr. Tejas S. Deshpande, Advocate for non-applicant No.2.

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

DATE : **29th SEPTEMBER, 2025.**

1. Present application is preferred by the applicants, who are the distant relatives of the husband of the informant for quashing of the First Information Report in connection with Crime No.1249/2023, registered with Police Station Yavatmal City, District Yavatmal for the offence punishable under Sections 498A read with 34 of the India Penal Code.

2. Heard learned counsel for the applicants who submitted that the crime is registered on the basis of report lodged by non-applicant No.2/Sau. Rani w/o. Ramkisan Funde on an allegation that her marriage was performed with Ramkisan Funde on 10.11.2022. After marriage she received cohabitation at the house of her husband, wherein she was residing along with her inlaws but she was not treated well and she was subjected for the cruelty and ill-treatment at the hands of her husband and his parents. He submitted that as far as present applicants are concerned they are the distant relatives

and omnibus and general allegations are levelled against them. They are not residing with the informant or other family members i.e. the inlaws of the informant. Merely because they are the relatives of the husband of the informant. They are implicated in the alleged offence and, therefore, as no prima facie case is made out, the F.I.R. be quashed against them.

3. Learned Additional Public Prosecutor for the non-applicant No.1 strongly opposed the application and submitted that considering the allegations levelled against the present applicants, the application deserves to be rejected.

4. Learned counsel for the informant also endorsed the same contentions and submitted that considering the allegations levelled against the present applicants, the application be rejected.

5. On hearing the both sides and on perusal of the investigation papers and considering the recitals of the F.I.R. admittedly general and omnibus stereotype allegations are levelled against the present applicants about the ill-treatment. It is an admitted position that they are not residing with the informant or her husband and they are the distant relatives of the husband. As already observed that omnibus and general allegations are levelled against the present applicants. At this stage preference can be given to the observations made by the Hon'ble Apex in the Case of **Preeti Gupta and another Vs. State of Jharkhand and another**, reported in (2010) 7 SCC 667, wherein the Hon'ble Apex Court in para Nos.30, 32 and 34 observed 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.”*

6. Now a days it became a tendency to implicate all the family members and the observations of the Hon’ble Apex Court is relevant in **Dara Laxmi Narayana Vs. State of Telangana**, reported in **MANU/SC./1309/2024**, wherein the Hon’ble Apex Court has observed that that family members of the husband out not to be unnecessarily roped into criminal proceeding arising out of matrimonial dispute. 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. Similar is the case in the present matter also as there is a dispute between the spouses and all the family members roped in the crime. In view of that, the application deserves to be allowed. Accordingly, we proceed to pass following order :

ORDER

- (i) The application is allowed.
- (ii) First Information Report in connection with Crime No.1249/2023, registered with Police Station Yavatmal City, District Yavatmal for the offence punishable under Sections 498-A read with 34 of the India Penal Code is hereby quashed to the extent of the present applicants.
- (iii) The application is disposed of in the abovesaid terms.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)