



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

CRIMINAL APPLICATION (APL) No.642 OF 2024

(Pratibha Surendra Wanjari and others Vs. State of Maharashtra, through PSO, PS
Nandanvan, Distt. 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. N.B. Bargat, Advocate for applicants.
Mrs. Sneha Dhote, APP for respondent/non-applicant No.1.
Ms. Sakshi Tiwari, Advocate for respondent/non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATE : 12th NOVEMBER, 2025.

1. The present application is preferred by the applicants under Section 482 of the Criminal Procedure Code for quashing of First Information Report in connection with Crime No.464/2022, registered with Police Station Nandanvan, Nagpur for the offence punishable under Sections 498A, 323, 341, 500, 504, 506 read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same Charge-sheet bearing R.C.C. No.1770/2023 pending in the Court of 4th Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur.

2. The applicant Nos.1 and 2 are the wife and husband, applicant No.3 is daughter of applicant Nos.1 and 2, applicant No.4 and 5 are wife and husband and applicant Nos. 6 and 7 are the daughter and son of the brother in law of the informant.

3. As per her allegations that her marriage was

performed with one Devidas Wanjari on 14.2.2005. After marriage she resumed co-habitation at the house of present applicants. Her husband died on 14.3.2022 due to the illness. She was residing along with her in-laws and other family members and her husband was running a business by name "Hira Electricals". After the death of her husband all the applicants started ill-treating her by suspecting her character, they were not allowing her to enter into the kitchen and for various reasons, she was ill-treated and insisted for giving signatures on blank papers, also not providing her monetary expenses for the education of her daughter. On the basis of 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 allegations levelled against the present applicants are concerned which are omnibus, baseless and no specific instances are narrated by the informant as far as the ill-treatment at the hands of the present applicants are concerned. He submitted that everything revolves around the property dispute as there is property dispute between the non-applicant No.2 and the other applicants. Therefore, this false First Information Report is lodged. He invited our attention towards the previous complaint filed by the father-in-law that she was insisting for partition of the properties as well as threatened them and also taken forceful possession of the said shop with the help of relatives. The said complaint was lodged by the father-in-law on 27.5.2022. He has also further invited our attention towards another First Information Report bearing Crime No.122/2024 lodged by the

father-in-law alleging against the present non-applicant No.2 that she forcefully entered into the shop and tried to take possession of the said shop and also abused in filthy language with the help of her relatives. He submitted that merely because there is property dispute and the family members are implicated in the alleged offence on the basis of general and omnibus allegations. He submitted that even if the allegations are taken as it is at the face value which are not sufficient to attract the offence punishable under Section 498A of the Indian Penal Code. The offences under Sections 323, 341, 500, 504 and 506 of I.P.C. are also not made out. He further invited our attention towards the fact that the applicant No.3 is residing at Pune and she has no concern as far as the allegation of ill-treatment is concerned. So, he submitted that considering the nature of allegations which is general and omnibus in nature only to implicate present applicants in the false First Information Report and, therefore, the application deserves to be allowed and the First Information Report deserves to be quashed.

5. Per contra, learned Additional Public Prosecutor strongly opposed the said application and submitted that considering that the non-applicant No.2 is widow, she was residing in the said house after the death of her husband, she was ill-treated to such an extent that it was difficult for her to survive and, therefore, she forced to lodge the complaint. There is specific role attributed to the present applicants and, therefore, the application deserves to be rejected. Learned counsel for the complainant also endorsed the same contentions.

6. After hearing both sides and on perusal of the entire investigation papers, there is no dispute as to the fact that the non-applicant No.2 is the widow of deceased son of one Ratnakar Khemaji Wanjari. The said Ratnakar Khemaji Wanjari has lodged a report against the non-applicant No.2 much prior to the First Information Report dated 27.5.2022 alleging that the non-applicant No.2 with the help of her relatives harassing all the family members by threatening them to implicate them in the case. The subsequent First Information Report is also filed by said Ratnakar Wanjari alleging against the present non-applicant No.2 that she forcefully entered into the shop by breaking the lock of the said shop and tried to take possession of the said shop which is a family business of the applicants. The various statements of the witnesses are recorded, even the statements of the neighbours are also recorded, the statements of the neighbours nowhere discloses as far as the harassment at the hands of present applicants to the informant are concerned. Admittedly, the neighbours are the best witnesses regarding the treatment to the non-applicant No.2 at the hands of present applicants. From the entire investigation papers it reveals that the property dispute is between the non-applicant No.2 and the other family members and that may be the reason for non-applicant No.2 to lodge the report against the present applicants. These allegations are to be looked into in the light of the previous complaints filed by father-in-law i.e. Ratnakar Wanjari against the present non-applicant No.2.

7. Even accepting the allegations as it is at its face value admittedly no specific instances or the incidents are narrated by the non-applicant No.2 regarding nature of

harassment at the hands of present applicants. At this stage, reference can be given to Section 498A, which reads as under :

“498-A. 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 purposes 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 entire allegations levelled against the present applicants admittedly the allegations are omnibus, general and vague in nature.

9. At this stage, reference can be given to the observations made by the Hon’ble Apex Court in the case of **Preeti Gupta vs State of Jharkhand**, reported in **(2010) 7 SCC 667**, wherein the Apex Court observed in para Nos.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 visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.”

10. In the case of **Kahkashan Kausar @ Sonam vs The State of Bihar**, reported in **(2022) 6 SCC 599**, wherein also the Hon’ble Apex Court by taking into consideration the various decisions observed as under :

“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.”

11. In the light of the abovesaid observations if the facts of the present case are taken into consideration admittedly the allegations levelled against the present applicants which are general in nature and nowhere it shows that the willful conduct was there on the part of the present applicant which is of such a nature as is likely to drive the non-applicant No.2 to commit suicide or to cause grave injury or danger to her life, limb or health (whether mental or physical). Clause (b) of Section 498A expands scope of the term to include harassment with a view to coercing the woman or relative to meet any unlawful demand. No such allegations are also levelled against the present applicants.

12. 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.464/2022, registered with Police Station Nandanvan, Nagpur for the offence punishable under Sections 498A, 323, 341, 500, 504, 506 read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same Charge-sheet bearing R.C.C. No.1770/2023 pending in the Court of 4th Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur to the extent of present applicants is hereby quashed and set aside.

(iii) The application is disposed of in the abovesaid terms.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)

Wadode