IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO.834/2024

1. Mr.Ahetesham S/o Shabbir Hussain
Aged 35 years, Occupation: Private

2. Mrs. Naheed W/o Shabbir Hussain
Age 55 years, Occupation: Household

3. Mr. Sabbir S/o Ahmed Hussain
Age 64 years, Occupation: Private

4. Mr. Mohsin S/o Shabbir Hussain
Age 30 years, Occupation: Private

5. Mrs. Aayesha W/o Mohsin Hussain
(Maiden Name: Asma Khan D/o Sherkhan), Age 24 years, Occupation: Household.

All R/o. Dave Building, Masjid Road, Govind Nagar, Rajatalab, Raipur, Chattisgarh.

... APPLICANTS

...VERSUS...

1. State of Maharashtra, Through Police Station Officer, Police Station Gittikhadan, Nagpur.

2. Mrs. Parveen Khan W/o Ahetesham Hussain, Age 25 years, Occupation: Household, R/o. C/o Mohommad Shakil Khan, A-94, Jaffar Nagar, Gittikhadan, Nagpur.

...NON-APPLICANTS

Shri R.N. Borwankar, Advocate h/f for applicants
Ms S.S. Dhote, APP for non-applicant No.1/State
Shri S.S. Ali, Advocate for non-applicant No.2

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

DATED : 05.12.2025

ORAL JUDGMENT (PER : URMILA JOSHI-PHALKE , J.)

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

2. Present application is preferred by the applicants for quashing of the First Information Report in question, in connection with Crime No. 0142/2024, registered under Sections 498-A, 323, 504, 506, read with Section 34 of the Indian Penal Code.

3. Applicant No. 1 is the husband, applicant Nos. 2 and 3 are the in-laws, applicant No. 4 is the brother-in-law, and applicant No. 5 is the sister-in-law.

4. The crime is registered on the basis of a report lodged by the informant, non-applicant No.2, on an allegation that her marriage was performed with the applicant No. 1 on 10/04/2019. From the said wedlock, she has one daughter. As per her allegations on 15.04.2019, her husband asked her that he and his family members were not treated well in the marriage and subsequently demanded the amount of Rs.5,00,000/-, from her parents, and on that count, he ill-treated her physically as well as mentally. She specifically stated the instances of the assault at the hands of the applicant No.1, on the basis of the said report police have registered the crime against the present applicants.

5. Heard learned Counsel for the applicants who submitted that as far as in-laws, brother-in-law and sister-in-law are concerned, general allegations are levelled against them. No specific instances are narrated. They are implicated merely because they are the family members of the applicant No.1. He invited our attention towards the recitals of the First Information Report and submitted that the specific allegations are only against the husband and not against the other applicants. The applicant No.5 is married prior to

the marriage of applicant No.1 and non-applicant No.2, but she is also implicated in the alleged offence. He submitted that applicant No.4, against whom also the general allegations are levelled.

6. Learned Additional Public Prosecutor strongly opposed the same and submitted that, considering the specific allegations levelled against the present applicants and the allegation of physical assault on the informant, and further considering the prima facie material against the applicants, the application deserves to be rejected.

7. Learned Counsel for non-applicant No. 2 endorsed the same contentions and submitted that a prima facie case is made out and, in view of that, the application deserves to be rejected.

8. On hearing both sides and on perusal of the entire investigation papers, it is revealed that on the basis of the omnibus, general and vague allegations, the applicant Nos. 2 to 5 are implicated in the alleged offence. The recitals of the First Information Report show that specific allegations are levelled

against the husband, not only to the extent of the demand by him, but the physical assault also. But as far as other applicants are concerned, it seems that they are implicated merly because they are the family members of applicant No.1. At this stage reference can be given to the observation of the Hon'ble Apex Court in the case of ***Preeti Gupta Vs. State of Jharkhand, (2010) 7 SCC 667,*** wherein, the Apex Court observed in paragraph Nos. 30, 32, 34 as under :

> *"30. It is a matter of common knowledge that unfortunately matrimonial litigation is repeatedly increasing in our country. All the Courts in our country including this Court are flooded with the matrimonial cases. This really demonstrates discontent and unrest in the family life of a large number of people in the society.*
> *31……..*
> *32. It is the 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 came across a large number of such complaints which are not even bona fide and as filed with oblique motive. At the same time rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.*
> *33……..*
> *34. Unfortunately, at the time of filing of complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to unsurmountable, harassment, agony and pain to the complainant, accused and his close relations."*

9. Now the issue is not left *res Integra* that the Hon'ble Apex Court clarified that the family members shall not be roped into the criminal proceedings arising out of matrimonial discord unnecessarily. This aspect is considered by the Hon'ble Apex Court in the case of ***Dara Lakshmi Narayana Vs. State of Telangane, MANU/SC/1309/2024,*** 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. It was further held 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.

10. In view of the allegations levelled against the present applicants and considering the fact that the applicant No.1 himself has issued the notice to the non-applicant No.2, but she has not resumed the cohabitation, it seems that the First Information Report came to be lodged to give a counterblast to the said notice. Considering the allegations levelled against the applicant Nos. 2 to 5, which are general, vague and omnibus in nature, the application deserves to be allowed partly. Accordingly, we proceed to pass the following order :

ORDER

i) The application is partly allowed.

ii) The First Information Report in question, in connection with Crime No. 0142/2024, registered under Sections 498-A, 323, 504, 506, read with Section 34 of the Indian Penal Code, is quashed and set aside against the applicant Nos. 2 - Mrs. Naheed W/o Shabbir Hussain, 3 – Mr. Sabbir S/o Ahmed Hussain, 4 – Mr. Mohsin S/o Shabbir Hussain, 5 – Mrs. Aayesha W/o Mohsin Hussain.

iii) The prayer of the applicant No.1 for quashing of the First Information Report is hereby rejected.

11. The application is disposed of in the above terms.

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

Jayashree..