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

CRIMINAL APPLICATION (APL) NO.868 OF 2024

1. Pandurang Bhagwan Shinde,
Aged about 34 Years, ... **[As per Court's order dated 1/7/2024 application is withdrawn against applicant No.1.]**
Occupation: Agriculture,
R/o. Yelur, Taluka Kandhar,
District Nanded.
 2. Bhagwan Nagorao Shinde,
Aged about 78 Years,
Occupation : Agriculture,
R/o Yelur,
Taluka Kandhar, District Nanded,
 3. Renuka Bhagwan Shinde,
Aged about 77 Years, Occupation : Housewife,
R/o. Yelur, Taluka Kandhar,
District Nanded.
 4. Sau. Premla Anandrao Malegave,
Aged about 31 Years,
Occupation : Housewife,
R/o At. Kamraspalli,
Post Takli Bk.,
Taluka Biloli, Nanded, Naigaon.
 5. Sau. Sangeeta Rohidas Shirsath,
Aged about 29 Years,
R/o. C/o Rohidas Shirsath,
At Majaresangavi,
Post Umraj,
Taluka Loha, District Nanded.
- APPLICANTS**

// VERSUS //

1. The State of Maharashtra,
Through Police Station Officer,
Police Station, Wadnera,
Taluka Hinganghat,
District Wardha
2. Sau. Sonali Pandurang Shinde,
Aged about 30 Years,
Occupation : Service,

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R/o C/o Hamu Dinesh
Chandarkhede, Wadnera,
Taluka Hinganghat,
District Wardha.

.... NON-APPLICANTS.

Mr. P. S. Girdekar, Counsel for the applicants.
Ms. S. S. Dhote, APP for non-applicant No.1/State.

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATED : 23/09/2025**

ORAL JUDGMENT : [Per : URMILA JOSHI-PHALKE, J.]

1. **Admit.**

2. Heard finally with the consent of the learned Counsel for the parties.

3. The present application is filed by the applicants for quashing of the First Information Report in connection with Crime No.329/2021 registered with Police Station Wadnera, Taluka Hinganghat, District Wardha for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code and consequent proceeding arising out of which RCC No.139/2022 pending before the 3rd Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Hinganghat.

4. The applicant No.1 is husband for whom the application is already withdrawn. The applicant Nos.2 and 3 are the in-laws, the applicant Nos.4 and 5 are sister-in-law. The

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crime is registered on the basis of report lodged by the informant – non-applicant No.2 on an allegation that, her marriage with one Pandurang Shinde was performed on 17.05.2012 and after marriage, she resumed the cohabitation, but her husband was addicted to bad vices and under the influence of liquor, he used to ill-treat her. 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 except the concluding para wherein the names of the applicant Nos.2 to 5 are mentioned, otherwise no specific instances were narrated by the informant, as far as the ill-treatment of their hands is concerned. Moreover, the informant and her husband never resided with these applicants, as the son of the applicant No.2 was serving at Pune, she resided along with him at Pune. Thus, on the basis of the false and baseless allegations, the applicant Nos.2 to 5 are arraigned as an accused as no *prima facie* case is made out against them, in view of that the FIR against them deserves to be quashed.

6. Learned APP strongly opposed for the same and submitted that considering the allegations levelled against the present applicants, who by sharing the common intention, ill-treated the informant and subjected her for the ill-treatment. In view of that, the application deserves to be rejected.

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7. Though despite the service to the non-applicant No.2, none appears for the non-applicant No.2 and therefore, the matter is proceed in her absence.

8. After hearing both sides and on perusal of the entire investigation papers, admittedly, except the concluding para wherein the names of the present applicants Nos.2 to 5 are mentioned, no specific instances were narrated against them. The investigation papers further discloses that the applicant Nos. 2 to 5 never resided along with the informant and her husband. As they were residing at Pune due to the service of the husband of the non-applicant No.2. All the statements are omnibus stereotypes and appears to be levelled only because they are relatives of the husband. At this stage, reference can be given to the observations made by the Hon'ble Apex Court in the case of **Preeti Gupta & Anr vs State of Jharkhand & Anr** reported in **(2010) 7 SCC 667** and in para Nos.30, 32 and 34 observed that:

"30. 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 are also a matter of serious concern.

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32. 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.

34. Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislation. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases."

9. Thus, considering the allegations levelled against the present applicants and the observation of the Hon'ble Apex Court in the case of **Dara Lakshmi Narayana vs. State of Telangana, [MANU/SC/1309/2024]**, wherein the Hon'ble Apex Court specifically 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." Here in the present case, similar are the facts that the involvement of the present applicants appears to be there, merely because they are relatives of the husband. In view of that, the application deserves to be allowed. Accordingly, we proceed to pass following order:

ORDER

(i) The application is **allowed**.

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(ii) The First Information Report in connection with Crime No.329/2021 dated 16.11.2021 registered with Police Station Wadnera, Taluka Hinganghat, District Wardha for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code and charge sheet No.31/2022 dated 27.04.2022 in RCC No.139/2022 pending before the 3rd Joint Civil Judge, Jr. DN. and Judicial Magistrate First Class, Hinganghat, is hereby quashed and set aside, against the applicant Nos.2 to 5.

The application is disposed of.

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

Sarkate.