



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

CRIMINAL APPLICATION (APL) NO. 1337 OF 2024

(Ravindra S/o Sambhaji Suryawanshi & Ors.

Vs.

State of Maharashtra, Thr. Police Station Officer, Police Station
Yashodhara Nagar, Nagpur & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.K. Madane, Advocate for the Applicants.
Mr. A.G. Mate, APP for the Non-applicant No.1/State.

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

DATED : **17th DECEMBER, 2025**

1. By this Application the Applicant No.1 who is the husband and the Applicant Nos. 2 to 7 are the nearest relatives of the husband are seeking quashing of the FIR in connection with Crime No. 496/2024 registered with Police Station, Yashodhara Nagar, Nagpur under Sections 85, 115(2), 352 of the Bhartiya Nyaya Sanhita, 2023.

2. Heard learned Counsel for the Applicants, who submitted that, the crime is registered on the basis of the report lodged by the Non-applicant No.2 on an allegation that her marriage was performed with the Applicant No.1 on 07.05.2017. After marriage she resumed the cohabitation and all other Applicants were residing alongwith her. After marriage she was ill-treated by the present Applicants on account that her parents could not give any dowry in her marriage and she was taunted insulted by saying that her

parents are beggars and they have not incurred any expenses and on that count she was ill-treated. It is further alleged that, her husband has also issued a notice when she was residing alongwith him and other Applicants were instigating him. On the basis of the said report, Police have registered the crime against the present Applicants.

3. He submitted that, even accepting the allegations as it is no specific instances are narrated as far as the Applicant Nos. 2 to 7 are concerned. No overt act is attributed to them. The nature of instigation on their part is also not narrated by the Informant and they appears to be implicated because they are the nearest relatives of the husband. He also invited our attention towards the fact that, the Applicant Nos. 4, 5, 6 and 7 are residing at different places and there is no occasion for them to come to the house of the Non-applicant No.2 and ill-treat her. Thus, in absence of any willful conduct on their part no offence is made out against them. In view of that, the Application deserves to be allowed.

4. *Per contra*, learned APP strongly opposed for the same and submitted that considering the nature of the allegation that there was a physical and mental cruelty at the hands of the present Applicants, the Application deserves to be rejected.

5. Despite the service of notice, Non-applicant No.2 has not appeared and not contested the Application.

6. To attract the offence punishable under Section 498-A of IPC, in view of the provision there has to be some willful conduct or any unlawful demand and the ill-treatment

requires to be there to the extent that she either driven to commit suicide or to cause any grievous injuries to her. These allegations are absent where there is no allegation that there was any willful conduct on the part of the present Applicants.

7. The addresses given in the cause title shows that, the Applicant Nos. 4 and 5 who are the sister-in-law and the Applicant Nos. 6 and 7 are the nephews and they are not residing alongwith the Applicant No.1 and Non-applicant No.2 but merely because they are the closed relatives they are implicated in the alleged offence. The *prima facie* case is not made out against them. In view of that, the Application deserves to be allowed to the extent of the Applicant Nos. 2 to 7 are concerned.

8. 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.

9. In view of the observations of the Hon'ble Apex Court and by applying the same to the facts of the present case, admittedly the nature of instigation is not narrated by the Informant, no specific instances are narrated, there is no willful conduct on the part of the present Applicants and

nothing is on record to show that the act of the Applicant Nos. 2 to 7 was like that they have either caused any injury to her or driven her to commit suicide. Thus, in absence of any willful conduct no *prima facie* case is made out. In view of that, the Application deserves to be allowed partly to the extent of Applicant Nos. 2 to 7 are concerned. Accordingly, we proceed to pass the following order.

ORDER

- i. The Application is **partly allowed**.
 - ii. The prayer of the Applicant No.1 for quashing of the FIR, is hereby rejected.
 - iii. The prayer of Applicant No.2/Sambhaji Gomaji Suryawanshi, Applicant No.3/Taibai Sambhaji Suryawanshi, Applicant No.4/Manisha Ganesh Khapre, Applicant No.5/Ganesh Narayan Khapre, Applicant No.6/Abhishek Ganesh Khapre and Applicant No.7/Karan Ganesh Khapre for quashing of the FIR in connection with Crime No.496/2024 registered with Police Station, Yashodhara Nagar, Nagpur under Sections 85, 115(2), 352 of the Bhartiya Nyaya Sanhita, 2023, is hereby quashed and set aside.
10. Pending application/s, if any, shall stand disposed of accordingly.

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