



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

CRIMINAL APPLICATION (APL) NO. 1420 OF 2024

1. **Ashlesh s/o Radheshyam Pure,**
Aged 41 Yrs., Occ.: Business,
R/o. Giridhar Apartments
Loksewa Nagar, Ranapratap Nagar,
Nagpur
2. **Nilesh s/o Radheshyam Pure,**
aged 39 years,
Occ.Business,
R/o Balaji Apartments, Swalambi Nagar,
Ranapratap Nagar, Nagpur
3. **Prachi w/o Pravin Donge,**
Age-35 years, Occu:- Housewife,
4. **Pravin s/o Nandu Donge,**
Age:-40 Years, Occu:- Vegetable vendor
Both R/o Near Hanuman Temple,
Timki Teen Khamba, Nagpur
5. **Usha w/o Satish Dahele**
Age:- 61 years,
Occ. Housewife
6. **Prashant s/o Satish Dahele,**
Age:- 40 Years, Occp: LIC, Agent
7. **Nishant s/o Satish Dahele,**
Age:- 39 Years, Occp:- Labour
Applicant Nos.5, 6, and 7 R/o Near
Bathri Teli Samaj Bhawan, Timki Teen
Khamba Square, Nagpur
8. **Chaya w/o Radheshyam Pure,**
Age:- 60 Yrs, Occu:- Housewife,
R/o:- Khatipura Tamki, Near,
Ramaji Khatiks House, Nagpur

...APPLICANTS

// V E R S U S //

1. **State of Maharashtra,**
Through Police Station Officer,

Police Station Tahsil,
District Nagpur

2. **Shraddha w/o Vishant Pure**

Age:- 34 Years, Occp:- Housewife,
R/o- Khatikpura, Opposite Shiv
Temple, Police Station Tahsil, Nagpur

NON-APPLICANTS

Mr V.S. Sambre Advocate for the applicants.
Mr S.A. Ashirgade, APP for non-applicant No. 1/State.
Mr U.Y. Sonkusare, Advocate for non-applicant No.2.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.

DATED : 08.05. 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

1. Heard.

2. **RULE.** Rule made returnable forthwith. Taken up for final disposal with the consent of learned counsel for the parties.

3. In the present case, the applicants are seeking quashment of criminal proceedings registered against them vide Crime No.0501/2024 with Police Station Tahsil, District Nagpur [City], for the offences punishable under Sections 85, 115(2), 352 and 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS Act, 2023')

4. According to the present applicants, all the allegations levelled by the non-applicant No.2 are baseless and general in nature. The non-applicant No.2 has not pointed out any such incident from which it can be concluded that she was subjected to physical cruelty and thereby attract Section 85 of the B.N.S., 2023. Hence a prayer is sought to quash and set aside the criminal proceeding registered against them.

5. Learned APP for State and the non-applicant No.2 strongly opposed the application by stating that the allegations made in the complaint are specific in nature and prima-facie attract Sections 85 and 115 (2) of the B.N.S.,2023.

6. With the able assistance of learned counsel appearing for the parties, we have perused the record and also gone through the police complaint lodged by the non-applicant No.2.

7. From the perusal of record, it seen that the allegations of non-applicant No.2 against the present applicants are that she

was not given a sufficient amount for daily expenditure and therefore, required to start tuition classes in the house for taking care of her children. The other allegation is that on 06.01.2024 when she was sitting after finishing her work, at that time applicant No.8 came to her and abused her on a petty issue. At that time all other applicants gathered there and abused and beat her and there was bleeding from her nose and mouth due to that incident. Thereafter she quoted the incident dated 29.08.2024, stating that when she asked for the advance amount from her husband by stating that she had made arrangement for a rented room for her, at that time, she was again abused and beaten by all applicants.

8. However, it is clear from the record that though the non-applicant No.2 has quoted the incident dated 06.01.2024, there is no material on record to show that she has immediately taken any action in the matter against the applicants. In respect of the incident dated 29.08.2024, she states that all the applicants came together and abused her. But again there is no material to support the said incidence. On the contrary, the record shows that

all the applicants are residing at different places in the city of Nagpur. Hence, it is surprising how on every occasion during her quarrel all the applicants within a short span of time could reach and abuse the non-applicant No.2. As such, allegations levelled by the non-applicant No.2 seems to be improbable and does not inspire confidence.

9. The other allegations made by Non-applicant No.2 are vague and omnibus. She has not provided any specific details nor mentioned the time, date, place or manner in which alleged harassment occurred. The entire F.I.R. lacks concrete and trustworthy allegations. According to us on such generalised and sweeping accusations unsupported by concrete evidence can not form the basis for criminal prosecution.

10. It will be just and proper to refer the observations of the Hon'ble Supreme Court of India in the case of ***Achin Gupta vs. State of Haryana and another*** reported in ***2024 SCC OnLine SC 759***, wherein the Hon'ble Supreme Court has observed thus:-

“35 The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband’s close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinised with great care and circumspection.”

11. In the circumstances we are of the confirmed view that the allegations made by non applicant No.2 in the First Information Report seems to be motivated by a desire for retribution rather than a legitimate grievance. All the family members of husband are implicated in the web of crime with ulterior motive. Hence it is a fit case for exercising our inherent powers to prevent misuse of legal provisions and the legal process, further to avoid unnecessary

harassment of innocent family members. Accordingly, application deserves to be allowed. Hence, we proceed to pass following order:-

ORDER:-

(i) The application is allowed.

(ii) The FIR No.0501/2024 dated 14.09.2024 for the offences punishable under Sections 85, 115(2), 352, 351(2) read with Section 3(5) of the BNS, 2023 registered with Police Station Tahsil District Nagpur is hereby quashed and set aside.

Rule accordingly.

Pending application, if any, also stands disposed of.

[PRAVIN S. PATIL, J]

[ANIL S. KILOR, J.]