



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

CRIMINAL APPLICATION (APL) No.1437 OF 2024

(Santoshsingh Uttamsingh Biseri and others Vs. State of Maharashtra, through PSO, PS
Asegaon, Distt. Amravati 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. D.V. Mahajan, Advocate for applicants.
Ms. Shamsi Haider, APP for respondent No.1.
Smt. Sapna Jadhav, Advocate for respondent No.2.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATE : 09th DECEMBER, 2025.

1. Present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No.130/2024, registered with Police Station Asegaon, District Amravati, for the offence punishable under Sections 498A, 504, 506 read with Section 34 of the Indian Penal Code.

2. The applicant Nos.1 and 2 are in-laws, applicant No.3 is brother-in-law and applicant No.4 is sister-in-law. The crime is registered against them on the basis of a report lodged by the respondent No.2 on an allegations that her marriage was performed with the son of applicant Nos.1 and 2 on 29.12.2021 at Nashik. After marriage she resumed the co-habitation. She is having one daughter from the said wedlock. It is alleged by her that after marriage she resumed the co-habitation, she treated well and thereafter she was ill-treated for various reasons. One of the reasons narrated by her is that her husband was suspecting her character and as far as present

applicants are concerned she alleged that they were ill-treating her for trifle reasons. On the basis of the said report Police have registered the crime against the present applicants.

3. Heard learned counsel for the applicants who submitted that the general and omnibus allegations are levelled against the present applicants. The allegation against the present applicants is that they were ill-treating her for domestic reasons that she unable is cook properly and they were instigating her husband and on that count her husband was ill-treating her. Except that allegation there is nothing on record to show that any specific instance was there alleging that present applicants have either physically or mentally ill-treated her. Thus, considering the omnibus allegations levelled against present applicants, no prima facie case is made out. In view of that, the application deserves to be allowed.

4. Per contra, learned Additional Public Prosecutor and learned counsel for the respondent No.2 strongly opposed the application and submitted that she was ill-treated by suspecting her character as well as for various other reasons and, therefor, she constrained to leave the matrimonial house. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the recitals of the F.I.R. it reveals that as far as allegations against the applicant Nos.1 and 2 are concerned, which is to the extent that they were harassing her for the domestic reasons like she is not able to cook properly. Thus, the allegation is wear and tear in nature. As far as specific instances are concerned not a single instance is narrated by the informant regarding the ill-treatment at the hands of present applicants. Thus, it is

apparent that merely because they are the parents of the husband of the informant, they are implicated in the alleged offence. Considering the nature of the allegation which is general, omnibus and vague in nature, the application deserves to be allowed.

6. At this stage, a reference can be given to the provision of Section 498A of the Indian Penal Code, "*When husband or his relatives subjects woman to cruelty which may result in imprisonment for a term extending upto three years and a fine. The Explanation under Section 498A of the I.P.C. defines "cruelty" for the purpose of Section 498A of the I.P.C. to mean any of the acts mentioned in clause (a) or (b). The first limb of clause (a) of the Explanation of Section 498A of the Indian Penal Code states that cruelty means any willful conduct that is of such nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation of Section 498A of the Indian Penal Code states that cruelty means any willful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; Further clause (b) of the Explanation of Section 498A of the Indian Penal Code states that cruelty would also include harassment of the woman where such harassment is to coerce 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.*"

7. It is apparent that the applicants are implicated in the alleged offence merely because they are the family members of the husband of the respondent No.2. Now a days,

it is a recurring tendency of the complainant to implicate all the family members of the husband and the implication of the applicants is due to that. In view of that and considering that omnibus allegation is levelled against them, the application deserves to be allowed. Accordingly, we proceed to pass following order.

ORDER

- (i) The application is allowed.
- (ii) The First Information Report in connection with Crime No.130/2024, registered with Police Station Asegaon, District Amravati, for the offence punishable under Sections 498A, 504, 506 read with Section 34 of the Indian Penal Code is hereby quashed and set aside to the extent of present applicants, namely, (1) Santoshsingh Uttamsingh Bise, (2) Sau. Vaishali Santoshsingh Bisen, (3) Shaktisingh Santoshsingh Bisen and (4) Vaishnavi w/o. Shaktisingh Bisen
- (iii) The application is disposed of in the abovesaid terms.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)