



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

CRIMINAL APPLICATION (APL) No.1442 OF 2024

(Shrikrishna s/o. Zingaji Tayde and others Vs. State of Maharashtra, through PSO, PS
Telhara, Distt. Akola 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. Kamal H. Anandani with Mr. Bhavin K. Suchak, Advocate for
applicants.

Ms. Shamsi Haider, APP for non-applicant No.1.

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

DATE : 08th OCTOBER, 2025.

1. Present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No.83/2024, registered under Sections 498A, 354A, 377 323, 504 read with Section 34 of the Indian Penal Code.

2. The applicants are father-in-law, mother-in-law and sister-in-law in this application. The crime is registered on the basis of a report lodged by respondent No.2 Priti Nilesh Tayade on an allegations that her marriage was performed with co-accused on 22.7.2021 as per the Hindu Rites and after marriage she resumed the cohabitation. However, she was ill-treated by the present applicants for the unlawful demands as well as she was ill-treated physically and mentally also. She also come to know that her husband is having extra marital relationship and on that count also she was not only physically and mentally harassed but she was sexually harassed by her husband. On the basis of said report Police have registered the

crime against the present applicants.

3. Heard learned counsel for the applicants, who submitted that as far as recitals of the First Information Report are concerned the omnibus and baseless allegations are levelled against the present applicants, who are in-laws. No specific instances are narrated by the informant in the First Information Report. Merely because they are the parents and sister, they are implicated in the alleged offence. He invited our attention towards the recitals of the F.I.R. and submitted that even accepting the allegations as it is which is in the nature of omnibus, stereotype and, therefore, no purpose would be served by forcing the present applicants to face the trial.

4. Learned Additional Public Prosecutor strongly opposed the same and submitted that considering the allegations levelled against the husband and present applicants have instigated him, the prima facie case is made out. In view of that, application deserves to be allowed.

5. After hearing the both sides and on perusal of the recitals of the First Information Report it reveals that vague, general and omnibus allegations are made as far as the present applicants are concerned, who are in-laws and sister-in-law. At this stage a reference can be given to under Section 498A of I.P.C. which reads as under :

“498-A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes

of this section, “cruelty” means—

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing 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.”

6. At this stage reference can be given to the observations made by the Hon’ble Apex Court in the case of **Kahkashan Kausar @ Sonam Vs. The State of Bihar**, reported in **(2022) 6 SCC 599**, wherein the Hon’ble Apex Court observed as under :

“The above-mentioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498A of the Indian Penal Code and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgment that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this Court by way of judgment has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.”

7. Keeping in mind the aforesaid observations and the contents of the F.I.R. and other relevant papers it reveals that general and omnibus allegations are levelled and the present applicants appears to be implicated merely because they are the 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.
- (ii) The First Information Report in connection with Crime No.83/2024, registered under Sections 498A, 354A, 377 323, 504 read with Section 34 of the Indian Penal Code is quashed to the extent of the present applicants.
- (iii) The application is disposed of accordingly.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)