



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**CRIMINAL APPLICATION NO.1465 OF 2024**

1. Swapnil Krishnaji Bodele, aged about 32 years, Occ. Privte Service.
2. Krishnaji Govindarao Bodele, aged about 65 years, Occ. Nil.
3. Tarabai Krishnaji Bodele, aged about – 60 years, Occ. Housewife, applicant nos. 1 to 3 r/o Gaudkhairi Behind SDFC Bank ATM Nagpur Amravati Road in rented House of Khade, Nagpur, Tq. And Distt. Nagpur.
4. Jitendra Krishnaji Bodele, Aged about 42 years, Occ. Govt. Service.
5. Priti Jitendra Bodele, aged about – 41 years, Occ. Gov. Service,  
  
Applicant nos.4 & 5 r/o Mallaribaba Society, Nearby bachapan School, Sumthana Bhadravati, Tq. Bhadravati, Dist. Chandrapur. Pin – 442 902
6. Nilesh Krishnaji Bhodele, aged about 40 years, Occ. Private Job.
7. Shweta Nilesh Bodele, aged about 39 years, Occo. Govt. Service, Applicant no. 6 & 7, r/o A-205, Shubham paradise, Shankar pawse road, near Saibaba Nagar auto stand, katemanevali naka, Kalyan eat – 421306

8. Shroni Sudhir Dange, aged about : 42 years, Occ. Housewife, r/o Duplex No. B-08, Sanika Vihar Rajkala developers, Near Gangwani Builder, Bhigaon, Nagpur Kamthi City, Nagpur – 441 002

... APPLICANTS

**VERSUS**

1. State of Maharashtra, through Police Station Officer, Awadhutwadi, Yavatmal and Distt. Yavatmal.
2. Namrata Swapnil Bodele, age – 30 years, Occ. Nil, At present in c/o Anil Bhaisare Res. Vardhaman Nagar, Jam Road, yavatmal, Tq. And Dist. Yavatmal.

... NON-APPLICANT(S).

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Shri Fasihur Rahman Kashib, Advocate for the applicants.  
Ms S.Z. Haider, Additional Public Prosecutor for the State.  
Respondent no. 2 served.

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

**DATE : 16.04.2025.**

**ORAL JUDGMENT** : (Per : Pravin S. Patil, J.)

Though the non-applicant no.2 is served however she chooses to remain absent in the matter.

2. Heard the learned Counsel for the applicant and learned Additional Public Prosecutor appearing for the State.

3. **ADMIT.**

4. By this application the applicants are seeking quashing of First Information Report bearing Crime No.588 of 2024 registered with the Awdhootwadi Police Station, District Yavatmal for the offence punishable under Sections 498 read with Section 34 of the Indian Penal Code, Sections 3 and 4 of the Dowry Prohibition Act, 1961.

5. In short, it is the case of the prosecution, the non-applicant no.2 has lodged the complaint against the applicants alleging that after her marriage with applicant no.1/husband on 17.09.2023, she was subjected to mental and physical harassment at the hands of the applicants. It is alleged by her that as her father had two motorcycle, her husband demanded one for him. As the non-applicant no.2/wife failed to satisfy the said demand, she was subjected to harassment by her husband. She also alleged that applicant no.1/husband was impotent and used to take some pills without disclosing the reason to the informant. In respect of other family members of the husband, it is alleged that they used to demand dowry and harassed her for not satisfying their demand. On the basis of these allegations, the offence

came to be registered against the applicants.

6. The applicants are the husband, father-in-law, mother-in-law, brother-in-law and sister-in-law of the informant. It is the submission of the applicants that the informant is residing separately since 11.02.2024 and there are no chances of co-habitation between them due to matrimonial discord. As such, the criminal proceeding are set in motion by the informant by lodging false complaint against them. It is their submission that bare perusal of FIR shows allegations are vague and omnibus in nature, hence same is liable to be quashed against the applicants.

7. Learned Additional Public Prosecutor opposed the application by stating that the allegation made against the applicants are serious and *prima facie* attract the offence under Section 498A and Sections 3 and 4 of the Dowry Prohibition Act, Hence, the application deserves to be rejected.

8. Perusal of the FIR reveals that main allegations are made against the husband by alleging that he is impotent and unable to maintain physical relations with the her. She further alleged that all the other applicants had threatened her to not disclose the said fact to anyone in her family. Another allegation against the father-in-law and

mother-in-law are that they used to demand dowry and due to not fulfillment of the said demand, she was subjected to harassment during her stay at the house of the applicants. The allegations which are made against the applicants do not state date, time, place and nature of harassment. Further allegations are too vague and general in nature.

9. It is well settled position of law that to attract the provisions of Section 498A of the IPC, the allegations must *prima facie*, demonstrates that she was subjected to cruelty of such nature as is likely to drive the woman to commit suicide or caused her cruelty by such willful conduct that is of such nature as to cause grave injury or danger to her life. Further the harassment should be of such a nature is to coerce her or any other person related to her to meet any unlawful demand for any property which she could not fulfill and because of that she was harassed by the accused persons. However, in the present case, bare perusal of the record shows that all the allegations are vague and omnibus. She failed to point out any specific instances like date, time and details of any particular instance of harassment. Therefore, on the basis of such vague allegations, no offence is made out as the ingredients to constitute the offence under Section 498A of the IPC, are not satisfied in the matter.

10. In the present case, it seems that the main grievance of the informant against her husband, according to her, he is impotent. In view of these allegations, there is reason to believe that the informant herself is not interested to co-habit with the applicant no.1/husband and left his company. It is further pertinent to note that in this case, admittedly, on 11.02.2024 the informant left the company of the husband and residing separately with her parents. However, the FIR came to be lodged on 14.05.2024 i.e. near-about after a period of three months. However, there are no explanation by the non-applicant no.2 regarding the delay in lodging the FIR.

11. Hon'ble Supreme Court in the case of ***Dara Laxmi Narayana and ors. vs. State of Telangana and anr. (2024) 12 SCR 559*** held thus :

*“28. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm*

*twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.*

*29. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case*

*30. In the above context, this Court in G.V. Rao v. L.H.V. Prasad (2000) 3 SCC 693 observed as follows : \*

*“12. There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those*

*who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their “cases” in different courts.”*

*31. Further, this Court in Preeti Gupta v. State of Jharkhand (2010) 7 SCC 667 held that 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 by the husband’s close relatives 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 scrutinized with great care and circumspection.”*

12. In view of facts of the present application and observation of the Hon’ble Supreme Court in the matter, we are of the confirmed view that non-applicant no. 2 initiated criminal proceeding against the applicants with an ulterior motive to settle personal scores and grudges against the husband and his family members.

13. Therefore, the present application deserves to be allowed.

Hence, we proceed to pass the following order :

- (a) The Criminal Application is allowed.
- (b) First Information Report bearing Crime No.588 of 2024 registered with the Awdhootwadi Police Station, District Yavatmal for the offence punishable under Sections 498 read with Section 34 of the Indian Penal Code, Sections 3 and 4 of the Dowry Prohibition Act, 1961, is hereby quash and set aside against the applicants.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

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