



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.1482/2024

1. Vasantao s/o Lahanuji Tabhane,
Aged about 80 years, Occ. Retired:,
R/o. Plot No. 72, Near Alok
Buddha Vihar, Old Bagadganj
Dist: Nagpur. (father-in-law)
2. Asha w/o Vasantao Tabhane,
Aged about 70 years, Occ. Housewife:,
R/o. Plot No. 72, Near Alok Buddha
Vihar, Old Bagadganj
Dist: Nagpur. (mother-in-law)
3. Kunal s/o Vasantao Tabhane,
Aged about 45 years,
Occ. Government Servant:,
R/o. % Shyamrao Shende,
Mama Chowk, Civil Lines,
Gondia. (brother-in-law).
4. Dipa w/o Kunal Tabhane,
aged about 35 years, Occ.Nil,
r/o R/o. % Shyamrao Shende,
Mama Chowk, Civil Lines,
Gondia. (wife of brother-in-law)
5. Bhavana w/o Dhammaprakash Vaidya,
aged about 53 years, Occ.Nil,
r/o Manewada, Nagpur.
(sister-in-law)
6. Dhammaprakash Shripatrao
s/o Dhammaprakash Vaidya,

aged about 59 years, Occ. Retired Teacher,
r/o Manewada, Nagpur
(husband of sister-in-law).

7. Archana w/o Rakesh Hirekhan,
aged about 50 years, occ. Nil,
r/o Plot No. 509, New Subhedar Layout,
Nagpur. (sister-in-law).
8. Rakesh s/o Yashwant Hirekhan,
aged about 52 years, occ. Nil,
r/o Plot No. 509, New Subhedar Layout,
Nagpur. (husband of sister-in-law)
9. Sarika w/o Pritam Motghare,
aged about 46 years, Occ. Nil,
r/o Flat No. 203, C-Wing,
Fortune Siri, New Manish Nagar,
Somalwada, Nagpur. (sister-in-law).
10. Pritam s/o Dhanraj Motghare,
aged about 47 years, Occ. Government
Servant, R/o Flat No. 203, C-Wing,
Fortune Siri, New Manish Nagar,
Somalwada, Nagpur. (husband of sister-in-law)
11. Prashant s/o Santoshrao Fulzade,
Aged about 52 years, Occ. Nil:,
R/o. Old Bagadganj, Nandanvan,
Nagpur. (nephew of father-in-law)
12. Pranali w/o Prashant Fulzade,
Aged about 40 years, Occ. Nil:,
R/o. Old Bagadganj, Nandanvan,
Nagpur. (wife of nephew of father-in-law)
13. Usha w/o Ashok Bhasharkar,
Aged about 67 years, Occ. Nil:,
R/o. Bidipeth, Ayodhya Nagar,

Nandanvan, Nagpur.
(sister of mother-in-law)

14. Rajput 5/0 Ashok Bhasharkar,
aged about 35 years, Occ.,
R/o. Bidipeth, Ayodhya Nagar,
Nandanvan, Nagpur.
(son of sister of mother-in-law)
15. Kalyani w/o Rajput Bhasharkar,
aged about 33 years, Occ. Nil,
r/o Bidipeth, Ayodhya Nagar,
Nandanvan, Nagpur.
(wife of son of sister of mother-in-law)

... APPLICANTS

...VERSUS...

1. The State of Maharashtra
Through Station Incharge,
Police Station Nandanvan,
Nagpur City, Dist. Nagpur.
2. Aarti Amol Tabhane,
Aged about 37 years, Occu: Household,
r/o Plot. No. 72, Near Alok
Buddha Vihar, Old Bagadganj,
Dist.: Nagpur.

...NON-APPLICANTS

Shri. C.S. Tamhane, Advocate for applicants
Shri N.H. Joshi, APP for non-applicant/State
Ms S.R. Bagde, Advocate for non-applicant No.2

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**
DATED : 08.09.2025

ORAL JUDGMENT (PER : URMILA JOSHI-PHALKE, J.)

Admit.

2. Heard finally with the consent of learned Counsel for the parties.

3. The present application is preferred by the applicants for quashing of the First Information Report bearing No. 0280/2024, registered by non-applicant No.2, under Sections 498-A, 294, 354, 354-A, 506, 420 read with Section 34 of the Indian Penal Code and charge-sheet bearing No. 71/2024.

4. The present application is preferred by the applicants for quashing of the First Information Report. The crime was registered on the basis of report lodged by Aarti Amol Tabhane, on an allegation that she got married on 19.11.2023 with one Amol Tabhane who is the son of the applicant Nos. 1 and 2. The Late husband of the informant was having serious health problems. On 08.02.2024 and 09.02.2024, he suffered from the vomiting of

blood, and therefore, she informed to their in-laws, however, they neglected for the treatment and resultantly he succumbed to the death on 10.02.2024. On 23.02.2024, the victim was forcibly sent to her parents house. Subsequently, whenever she tried to visit her in-laws house she was ill treated and it came to the notice that the said Amol Tabhane was suffering from disease since long back. This fact was not informed or disclosed to the informant and thereby deceiving her and her parents. The marriage of the informant was performed with the deceased. She further alleged that in the marriage, an amount of Rs.60,000/- was given to her in-laws and thereafter, also they were demanding the money time to time. She was ill treated by applicant No.1, who is her father-in-law as well as the applicant No.2 her mother-in-law. It is further alleged that applicant No.3, who is brother-in-law namely Kunal Vasantrao Tabhane and PW.11 Prashant Santoshrao Fulzade, who is the nephew of her father-in-law subjected her for the outraging of the modesty. As she was ill treated for the illegal demands her ornaments are also snatched from her, and therefore, she was constrained to leave the matrimonial house and approached to the Police Station and lodged the report. On the basis of the said report

Police have registered the crime against the present applicants. During investigation statements of the various witnesses are recorded including the statement of one Nandu Madhavrao Vinzarkar, who is the jeweler with whom allegedly the gold ornaments of the informant were mortgaged. After completion of the investigation, the charge-sheet was filed against the present applicants.

5. Heard learned Counsel for the applicants. He submits that as the present applicants have made complaint prior to the one month of the lodging of the First Information Report, that she is harassing for giving share in the property, and therefore, this false report is lodged, only to give the counter blast to the said report filed by the present applicants. As far as the nature of the allegations are concerned which are general in nature and no specific instances are narrated by the informant, being all the applicants are related to each other and they are relatives of her husband, and therefore, they all are implicated in the said crime. He submitted that considering the nature of the allegations, no purpose will be served by the forcing them to face the trial. It is completely an abuse of the

process of law, and therefore, application deserves to be allowed.

6. Learned Additional Public Prosecutor strongly opposed for the same and invited our attention towards the various statements of the witnesses and submitted that the allegations against applicant No.1, which is specific as well as applicant Nos.3 and 11 which is to the extent of outraging of modesty. In view of that being as *prima facie* case is made out against all the applicants, the application deserves to be rejected.

7. Learned Counsel for the informant endorsed the same contentions and submitted that there is sufficient material as far as the cruelty at the hands of the present applicants is concerned, and therefore, the application deserves to be rejected.

8. After hearing both the sides and on perusal of the entire charge-sheets it reveals that the allegations against the present applicants who are the father-in-law, mother-in-law and their nearest relatives that after the death of the husband of the informant, she attempted to cohabit at her matrimonial house but

her streedhan was snatched and it was mortgaged by the present applicants. Moreover, she was threatened time to time and driven out of the house. It is further alleged that the applicant Nos.3 and 11 subjected her for the outraging of the modesty. During investigation, the statement of the informant as well as her parents are also recorded which substantiate or corroborated version of the informant. The statement of one Nandu Madhavrao Vinzarkar was also recorded to ascertain that whether the gold ornaments or streedhan of the informant was mortgaged in his shop. His statement shows that it was the husband of the informant who has mortgaged said gold ornaments with him.

9. Section 498-A of the Indian Penal Code prescribes punishment where a women is subjected to a cruelty by her husband or his relative. The offence is punishable with imprisonment for a term which may extent to three years and also provides for fine. The explanation appended to the provision defines “cruelty” in two parts.

Clause (a) refers to willful 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. Clause (b) expands the scope of a term to include harassment with a view to coercing the woman or a relatives to meet any unlawful demand for any property or valuable security or on account of failure to meet such demand.

10. A Bare perusal of the First Information Report and the material placed on record reveals that the specific allegation is against the applicant No.1 father-in-law, applicant No.3, Kunal, who is the brother-in-law and applicant No.11, Prashant Santoshrao Fulzade, who is the nephew of her father-in-law. As far as other applicants are concerned general allegation is levelled against them that they also subjected her to the cruelty.

11. The Hon'ble Apex Court in ***Dara Lakshmi Narayana Vs. State of Telangane, MANU/SC/1309/2024***, has made it clear 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. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.

12. The Hon'ble Apex Court has consistently taken the view that where the matrimonial relationship has come to an end by way of divorce and the parties have since settled in the respective lives or they have already settled their disputes between themselves or there is no chance of coming together, the aspect of quashing of the proceeding requires to be considered. In the case of ***Gian Singh Vs. State of Punjab, (2012) 10 SCC 303***, wherein, the Hon'ble Apex Court has observed that *“where the High Court quashes a criminal proceeding having regard to the fact that dispute between the offender and the victim has been settled, although the offences are*

not compoundable, it does so as in its opinion, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored.”

13. In ***Naushey Ali Vs. State of UP, (2025) 4 SCC 78***, it is observed that proceeding with the trial, when the parties have amicably resolved the dispute, would be futile. As far as this observation is concerned here it is not the case that the parties have settled their dispute. But the application is filed on the ground that no case is made out against the present applicants as there is general allegations levelled against them. The inclusion of Section 498-A of the Indian Penal Code by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family and ensuring swift intervention by the State. However, in recent years as there have been a notable rise in the matrimonial disputes across the countries accompanied by growing discord within the institution of marriage. Consequently, there has been a growing tendency to implicate the all relatives of the husband making vague and generalized allegations during matrimonial

conflicts. If it is not scrutinized, it will lead to the misuse of illegal process and encouragement for use of arm twisting tactics by wife or by her family. This aspect is further considered by the Hon'ble Apex Court in the case of ***Preeti Gupta Vs. State of Jharkhand, (2010) 7 SCC 667***, wherein, the Apex Court observed in paragraph Nos. 30, 32, 34 as under :

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is repeatedly increasing in our country. All the Courts in our country including this Court are flooded with the matrimonial cases. This really demonstrates discontent and unrest in the family life of a large number of people in the society.

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32. It is the matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We came across a large number of such complaints which are not even bona fide and as filed with oblique motive. At the same time rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

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34. Unfortunately, at the time of filing of complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to unsurmountable, harassment, agony and pain to the complainant, accused and his close relations.”

14. In the case of ***Kahkashan Kausar Vs. State of Birhar, (2022) 6 SCC 599***, the Supreme Court after taking stock of various decisions, rendered by the supreme Court in the subject matter, observed in paragraph No. 17 as under :

“The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC 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 judgments 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 its judgments 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.”

15. Keeping in mind the aforesaid observations and the contents of the First Information Report and charge-sheet in the present case, it can be observed that no case can be made out against the applicants Nos. 2, 4 to 10 and 12 to 15 for the charged offences on the basis of vague and omnibus allegations. If we consider the guidelines espoused by the Supreme Court in the aforesaid matters, there is reason to believe that present First Information Report and criminal proceeding is an abuse of process of law as far as applicant Nos. 2, 4 to 10 and 12 to 15 and continuation of the proceeding against them would be an abuse of process of law. We are, therefore, inclined to exercise our jurisdiction under Section 482 of the Criminal Procedure Code, 1923 and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and pass the following order :

ORDER

- 1) Criminal application is partly allowed.

2) Charge-sheet in R.C.C. No. 3299/2024, which is arising out of Crime No. 280/2024 and charge-sheet bearing No. 71/2024 registered under Section 498-A, 294, 354, 354-A, 506, 420 read with Section 34 of the Indian Penal Code are hereby quashed and set aside to the extent of the applicant Nos. 2, 4 to 10 and 12 to 15.

The application stands disposed of.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..