



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

CRIMINAL APPLICATION (APL) No.1552 OF 2024

(Ramkrushna Raghunath Thakare and others Vs. State of Maharashtra, through PSO, PS
Rajapeth, 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. P.U. Kavishwar, Advocate for applicants.
Mrs. Sneha Dhote, APP for non-applicant No.1.
Mr. A.A. Zade, Advocate for non-applicant No.2.

CORAM : **URMILA JOSHI-PHALKE AND**
NANDESH S. DESHPANDE, JJ.
DATE : **13th NOVEMBER, 2025.**

1. Present application is preferred by the applicants for quashing the First Information Report in connection with Crime No.1104/2021, registered with Police Station Rajapeth, Amravati for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing R.C.C. No.1661/2021, pending in the Court of 10th Joint Civil Judge, Senior Division and Additional Chief Judicial Magistrate, Amravati.

2. The applicant No.1 is husband, applicant Nos.2 and 3 are the in-laws and applicant Nos.4 and 5 are sisters-in-law.

3. The non-applicant No.2 had filed written complaint on 9.12.2020 with the Police Station alleging that her marriage was performed with applicant No.1 on 18.3.2017. After marriage she resumed cohabitation, but she was ill-treated for

one or the other reasons. As far as the ill-treatment is concerned she has specifically narrated the incident that at the time of first Diwali after her marriage her husband has subjected her for ill-treatment and also assaulted her, due to which she constrained to leave the matrimonial house. Thereafter, the another incident she has narrated wherein she has alleged that she was assaulted by her husband. As far as the applicant Nos.2 to 4 are concerned she stated that they were also instigating her husband to ill-treat her and on their instigation the husband was ill-treated her. On the basis of said report Police have registered the crime against the present applicants.

4. Heard learned counsel for the applicants, who submitted that the non-applicant No.2 used to suspect the character of applicant No.1, on that count, the dispute is created between them. Due to the said dispute all the family members were implicated in the alleged offence. As far as the allegations are concerned against the applicant Nos.2 to 4 which are general, omnibus and vague in nature. Merely because they are the relatives of the husband. They are implicated in the alleged offence. The careful scrutiny of the entire statement of the witnesses shows that general and omnibus allegations are levelled against the applicant Nos.2 to 4. In view of that, no purpose would be served by forcing them to face the trial. In view of that, the application deserves to be allowed.

5. Per contra, learned Additional Public Prosecutor and learned counsel for the complainant strongly opposed for the same and submitted that the complainant in her written

statement specifically narrated the role of each of the accused. Her statement was also recorded after registration of the crime. In view of that, the application deserves to be rejected.

6. After hearing both sides and on perusal of the investigation papers as far as the applicant No.1 is concerned admittedly the matrimonial dispute arose between them on account of suspecting the character of applicant No.1 by the non-applicant No.2. The non-applicant No.2 has explained that she has not suspected the character but has only send her brother in the office of applicant No.1 and, therefore, he suspected that the non-applicant No.2 is suspecting the character. Out of misunderstanding he is alleging that non-applicant No.2 was suspecting his character. The statement of the informant further shows that she has specifically narrated as far as the role of the applicant No.1 is concerned regarding ill-treatment at his hands. She has also narrated the incident of the assault by the applicant No.1, but as far as applicant Nos.2 to 4 are concerned it is apparent that they are implicated in the alleged offence, merely because they are the relatives of the applicant No.1. As far as the allegations at the face value itself shows that it is general and omnibus in nature. In view of that, the application deserves to be allowed.

7. At this stage a reference can be given to the observations made by the Hon'ble Apex Court in the matter of **Preeti Gupta and another Vs. State of Jharkhand and another**, reported in **(2010) 7 SCC 667**, wherein Hon'ble Apex Court observed in para 30, 32 and 34 as under :

“30. It is a matter of common knowledge that unfortunately matrimonial

litigation is rapidly increasing in our country. All the courts in our country including this court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

32. It is a 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 come across a large number of such complaints which are not even bona fide and are 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.

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

8. Now, this aspect is further considered by the Hon’ble Apex Court and it is specifically observed that the relatives of the husband ought not to be implicated, merely because they are the relatives of the husband. The Court observed that it has become recurring tendency to implicate every member of the husband’s family irrespective of their role or the involvement, merely because dispute has arisen between the spouses. The above observation is made by the Hon’ble Apex Court in the case of **Dara Laxmi Narayana Vs. State of Telangana, MANU/SC./1309/2024.**

9. In view of above observations and in the light of facts and circumstances of the case admittedly there is no

material as far as applicant Nos.2 to 4 are concerned and their involvement is on the basis of general and omnibus nature. In view of that, the application deserves to be allowed partly. Accordingly, we proceed to pass following order :

ORDER

- (i) The application is allowed partly.
- (ii) The prayer of the applicant No.1 for quashing of First Information Report is hereby rejected.
- (iii) The First Information Report in connection with Crime No.1104/2021, registered with Police Station Rajapeth, Amravati for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing R.C.C. No.1661/2021, pending in the Court of 10th Joint Civil Judge, Senior Division and Additional Chief Judicial Magistrate, Amravati is hereby quashed and set aside to the extent of applicant No.2 to 5 (Raghunath Gulabrao Thakare, Manda Raghunath Thakare, Kalyani Amol Ghom and Rupali Dhananjay Kharbadkar).
- (iv) The application is disposed of in the abovesaid terms.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)