



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

CRIMINAL APPLICATION (APL) NO. 1683 OF 2024

1. **Shashank s/o Sandeep Sahni**
Aged about 34 years,
Occupation : Private,
R/o. 592, Kadbi Chowk,
Kamptee Road, Near Metro Station,
Nagpur- 440004
(Husband of respondent No.2),
2. **Sandeep s/o Shreeram Sahni,** Deleted as per Hon'ble
Aged about: 64 years, Court's Order dated
Occ. Retired, R/o 592, 11.09.2025
Kadbi Chowk, Kamptee Road,
Near Metro Station,
Nagpur- 440004
(Father-in-law of respondent no.2)
3. **Sujata w/o Sandeep Sahni,**
Aged about 57 years,
Occ. Housewife, R/o 592, Kadbi
Chowk, Kamptee Road, Near Metro
Station, Nagpur- 440004
(Mother-in-law of respondent No.2)

// V E R S U S //

1. **The State of Maharashtra,**
Through Police Station Officer,
Jaripataka, Nagpur
2. **Sonal w/o Shashank Sahni,**
Aged about 30 years,
Occupation :Private,
R/o. Ward No.32, Uday Sadan,
Maulipara, behind Baba Buddhaji
Saheb Gurudwara, Anand Nagar,
Telibandha Raipur,
Chhatisgarh- 492001

NON-APPLICANTS

Mr R.D. Dharmadhikari, Advocate for the applicants.
Mr N.B. Jawade, APP for non-applicant No. 1/State.

CORAM : URMILA JOSHI PHALKE, J. AND
NANDESH S. DESHPANDE, JJ.
DATED : 11.09.2025

O R A L J U D G M E N T : (PER : URMILA JOSHI PHALKE, J.)

1. Heard.
2. **RULE.** Rule made returnable forthwith. Taken up for final disposal with the consent of learned counsel for the parties.
3. The present application is preferred by applicant No.1 (husband) and applicant No.3 (mother-in-law) under Section 482 Criminal Procedure Code/under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing of the First Information Report bearing No.668/024 registered at Police Station Jaripatka, Nagpur for the offences punishable under Section 498-A, 354, 323, 506 and 504 read with Section 34 of the Indian Penal Code and charge sheet No.249/2024. During pendency of this application applicant No.2-Sandeep s/o Shreeram

Sahni reported to be dead. Therefore, his name is deleted from the application.

4. The brief facts which are necessary for the disposal of the application are as under:-

The informant, who is wife of applicant No.1 lodged First Information Report alleging that her marriage was performed with applicant No.1 on 28.01.2016. After marriage, she resumed the cohabitation in the house of the present applicants. Initially she was treated well and thereafter she was subjected for the ill-treatment by abusing and assaulting her. She has narrated various incidents which took place from 10.02.2016 to 13.01.2017. As per her allegation due to continuous ill-treatments at the hands of applicants, she was constrained to leave the matrimonial house. On the basis of the said report police have registered the crime.

5. Heard learned counsel for the applicants who submitted that as the informant was not willing to cohabit with the present applicants therefore, this false First Information Report is lodged. Initially she filed an application for dissolution of marriage wherein no such allegations are levelled by her against the

applicants. On the contrary it was the applicant No.1 who has lodged the report against informant as he was having apprehension that informant would not treat their son properly and to give counter blast to the said complaint this false FIR is lodged against the present applicants. He submitted that the allegations are general in nature. No offence is made out against the present applicants. In support of his contention he placed reliance on the judgement the case of *Achin Gupta vs. State of Haryana and another* reported at *(2025) 3 SCC 756*.

6. On the contrary, learned APP vehemently submitted that the informant in detail narrated the incident by giving dates. The allegations against applicant No.1 is sufficient to frame the charge against him and to prove the charges against the applicants. In view of that as prima-facie case is made out, the application deserves to be rejected.

7. Despite the service of notice, none appears for non-applicant No.2.

8. On hearing both the sides and on perusal of the recitals of the FIR and other investigation papers as far as applicant No.1 is concerned, there is specific allegation against him narrating the dates by the informant regarding the ill-treatment. Admittedly, applicant No.2 died during the pendency of this application. As far as applicant No.3 is concerned, who is mother-in-law appears to be implicated merely because she is mother of applicant No.1, who is husband of the informant. This aspect is now well settled by the decision of the Hon'ble Apex Court wherein in the case of ***Mangeram Vs. State of Madhya Pradesh*** reported in ***Manu/SC/1066/2025*** Hon'ble Apex Court has considered the provision of 498-A and observed that Section 498-A of the IPC prescribes punishment where a woman is subjected to cruelty by her husband or his relatives. The offence is punishable with imprisonment for a term which may extend to three years and also provides for fine. The Explanation appended to the provision defines "cruelty" in two parts. Clause (a) refers to 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 her life, limb or health, whether mental or physical. Clause (b)

expands the scope of the term to include harassment with a view to coercing the woman or her relatives to meet any unlawful demand for property or valuable security, or on account of failure to meet such demand. This aspect is further considered by the Hon'ble Apex Court in the case of ***Preeti Gupta & Another vs State Of Jharkhand & Another*** reported in ***(2010) 7 SCC 667*** wherein Apex Court observed in paragraph Nos.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 moment over trivial issues without proper deliberations. We came 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 is also a matter of serious concern.

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

In another case of ***Kahkashan Kausar @ Sonamand ors. vs The State Of Bihar and ors.*** reported in ***2022 (6) SCC 599*** wherein also 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 498-A of the 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.”

9. In the light of the above observations of the Hon’ble Apex Court, the allegations levelled against applicant No.1 are concerned, prima-facie case is made out against him and therefore, prayer for quashing of First Information Report against applicant No.1 deserves to be rejected.

10. But as far as applicant No.3 (mother-in-law) is concerned against whom general and omnibus allegations are levelled and therefore, the application deserves to be partly allowed.

11. In view of that we proceed to pass following the order:-

ORDER

(i) The Criminal Application is allowed.

(ii) The FIR No.668/2024 and charge-sheet No.249/2024 registered with Police Station Jaripatka, District Nagpur for the offences punishable under Sections 498-A, 354, 323, 506, 504 read with Section 34 of the Indian Penal Code and Bharatiya Nyaya Sanhita, 2023 against applicant No.3-Sujata w/o Sandeep Sahni is hereby quashed and set aside.

12. The criminal application stands disposed of in the above said terms.

Rule accordingly.

Pending application, if any, also stands disposed of.

[NANDESH S. DESHPANDE, J] [URMILA JOSHI PHALKE, J.]