



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

CRIMINAL APPLICATION (APL) NO. 1758 OF 2024

1. **Adhir s/o Yashwant Gedam**
Aged about 28 Years.,
Occupation .: Teacher,
2. **Smt. Jyoti Yashwant Gedam**
Aged about 56 years
Occupation .: Household
3. **Ku. Priti D/o Yashwant Gedam,**
Aged about 30 years,
Occupation : Household

All R/o Navegaon Complex,
Gadchiroli, Tq. and District
Gadchiroli

...APPLICANTS

// V E R S U S //

1. **State of Maharashtra,**
Through Police Station Officer,
PS. Yavatmal (Rural),
District- Yavatmal
2. **Sau. Vaishnavi Adhir Gedam**
Aged about 23 years,
Occupation -Household
R/o C/o Ravindra Shamraoji
Madavi, Jodmoha, Tq.
Kalamb District Yavatmal

NON-APPLICANTS

Ms Shilpa Giripunje, Advocate for applicants.
Mr M.J. Khan, APP for non-applicant No. 1/State.

CORAM : URMILA JOSHI PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATE : 24.09.2025.

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

1. Heard.

2. **Admit.** Taken up for final disposal with the consent of learned counsel for the parties.

3. The applicants have filed the present application seeking to quash and set aside the First Information Report No.441/2023 registered on 18.11.2023 for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code (for short, 'I.P.C.') registered with Police Station Yavatmal and consequent proceedings arising out of the same bearing Regular Criminal Case No.370/2024 pending before 3rd Joint Civil Judge, Jr. Dn. and judicial Magistrate First Class, Yavatmal.

4. The crime was registered on the basis of the report lodged by informant -Vaishnavi Adhir Gedam on an allegation that her marriage with applicant No.1 was solemnized on 01.06.2023. After marriage, she resumed cohabitation with applicants. But she was not treated well. On 27.06.2023 at about 7.30 p.m. she was

assaulted and abused by her husband by suspecting her character and on 28.06.2023 she left matrimonial house along with her parents. On the basis of the said report, police have registered the crime against the present applicants.

5. Learned counsel for the applicants submits that as far as the allegations are concerned the same are false and baseless. No specific instances are narrated. The allegations levelled against the present applicants are general and omnibus and therefore, no purpose would be served by forcing them to face the trial. Therefore, the application deserves to be allowed.

6. Learned APP strongly opposed the application and submitted that she has narrated the specific instances as far as applicant Nos.1 and 2 are concerned, and therefore, he prayed for rejection of the application.

7. On hearing both the sides and on perusal of the entire investigation papers it reveals that as far as applicant Nos.1 and 2 are concerned, there is specific allegations levelled by her that on 27.06.2023 i.e. within 20 days of the marriage she was ill-

treated, assaulted and beaten by applicant No.1 on the instigation of applicant No.2 suspecting her character. The statements of the other witnesses are also recorded and after completion of the investigation, charge-sheet is filed. Thus, as far as applicant Nos.1 and 2 are concerned, there is specific allegations levelled against these applicants. The law regarding quashing of FIR is settled. In the celebrated judgment of Hon'ble Apex Court in the case of **State of Haryana and others vs. Bhajanlal and others** reported in **1992 Supp(1) Supreme Court Cases 335** it is stated as under:-

“(1) Where the allegations made in the First Information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.”

8. At this stage, reference can be made to the observations of 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.”

9. Now a days there is a recurring tendency of implicating all the family members of husband in crime like offence under Section 498-A of the I.P.C. As far as applicant No.3 is concerned, who is sister-in-law of the informant, her

name is not even referred in the allegations levelled in the FIR. The general allegations are levelled against her. Therefore, the application deserves to be allowed as far as applicant No.3 is concerned. However, as there are specific allegations against applicant Nos. 1 and 2, the prayer of applicant Nos.1 and 2 deserves to be rejected.

10. Accordingly, we proceed to pass the following order:

ORDER

- (i) The Criminal Application is partly allowed.
- (ii) The First Information Report No.0441/2023 dated 18.11.2023 for the offence punishable under Sections 498-A read with Section 34 of the I.P.C. registered with Police Station Yavatmal (Rural) District Yavatmal is hereby quashed and set aside as against applicant No.3-Ku. Priti D/o Yashwant Gedam. Consequently, the Regular Criminal Case No. 370 of 2024 is also quashed against of applicant No.3-Ku. Priti D/o Yashwant Gedam.
- (iii) The prayer of applicant Nos.1 and 2 for the quashing of the FIR is hereby rejected.

11. The criminal application stands disposed of in the aforesaid terms. Pending applications, if any, also stand disposed of.

[NANDESH S. DESHPANDE, J]

[URMILA JOSHI PHALKE, J.]