



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

CRIMINAL APPLICATION (APL) No.31 OF 2025

(Dnyaneshwar Shankarrao Rathod Vs. State of Maharashtra, through PSO, PS Lonar, Distt. Buldhana 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. N.R. Tekade, Advocate for applicant.
Mr. Nikhil Joshi, APP for non-applicant No.1.
Ms. Kirti Deshpande, Advocate for non-applicant No.2.

CORAM : **URMILA JOSHI-PHALKE AND**
NANDESH S. DESHPANDE, JJ.
DATE : **10th SEPTEMBER, 2025.**

1. Present application is filed by cousin father-in-law for quashing of F.I.R. in connection with Crime No.220/2024 and charge-sheet bearing No.75/2024 bearing Regular Criminal Case No.153/2024, registered under Section 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

2. Brief facts which are necessary for the disposal of the application are as under :

The informant Sindhu Avinash Chavan lodged F.I.R. on an allegation that her marriage was performed with Avinash Sharad Chavan in the year 2019. Present applicant is her cousin father-in-law. As per her allegations after marriage when she resumed the cohabitation at the house of her husband. Her husband was residing along with all family members including the present applicant and they all have ill-treated her on the count that she is unable to conceive male issue and, therefore, she constrained to leave matrimonial

house. On the basis of said report Police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant who submitted that as far as the allegations are concerned against the present applicant who is cousin father-in-law of the informant and no specific allegations are levelled against him with omnibus and general allegations he is implicated maliciously and falsely. No purpose will be served by forcing him to face the trial. In view of that, the application deserves to be allowed.

4. Learned A.P.P. strongly opposed for the same and submitted that there is allegations against the present applicant as he was residing along with the informant and her husband and, therefore, the application deserves to be rejected. Learned counsel for the informant has also endorsed the same contentions and submitted that considering she was ill-treated by the present applicant along with other co-accused, the application deserves to be allowed.

5. Having heard the learned counsel for the parties and learned A.P.P. for the non-applicant No.1/State. Perused the entire investigation papers. There is no dispute as to the relationship which is alleged by the complainant. As far as Section 498-A of the I.P.C. is concerned which prescribed punishment whoever 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 shall also provides for fine. The explanation appended to the provision defines 'cruelty' in two parts, (a) any 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) of the woman; clause (b) expands the scope of the term to include the harassment with a view to coercing the woman or her relative to meet any unlawful demand for property or valuable security or on account of failure to meet such demand.

6. In the present case the present applicant who is cousin father-in-law omnibus and general allegations is levelled against the present applicant, now a days there is a tendency to rope all the family members in the complaint under Section 498-A of I.P.C. This aspect is also considered by the Hon'ble Apex Court in the case of **Dara Laxmi Narayana Vs. State of Telangana, MANU/SC./ 1309/2024** wherein it is 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 these spouses. It was further held that where the allegation 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 abuse of the process of law.

7. In view of above observation of the Hon'ble Apex Court, the applicant has made out a case for quashing of the F.I.R. as well as the charge-sheet. Hence, we proceed to pass following order.

8. The application is allowed.

9. The F.I.R. in connection with Crime No.220/2024 and proceeding of Regular Criminal Case No.153/2024,

registered under Section 498-A, 323, 504, 506 read with 34 of the Indian Penal Code is hereby quashed and set aside.

10. Application is disposed of in the abovesaid terms.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)

Wadode