



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

CRIMINAL APPLICATION (APL) No.404 OF 2025

(Surendra Patruji Bankar and another Vs. State of Maharashtra, through PSO, Ballarshah,
Distt. Chandrapur and another)

AND

CRIMINAL APPLICATION (APL) No.138 OF 2025

(Vimalbai Patruji Bankar and others Vs. State of Maharashtra, through PSO, Ballarshah,
Distt. Chandrapur 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. M.V. Rai, Advocate for applicants in APL No.404/2025
Mr. A.G. Hunge, Advocate for applicants in APL No.138/2025.
Mr. Nikhil Joshi, APP for non-applicant No.1/State.
Mr. Varun Kataria, Advocate for non-applicant No.2 in both applications.

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

DATE : 09th DECEMBER, 2025.

1. Both the applications are filed by the applicants for quashing of the First Information Report in connection with Crime No.1078/2024, registered under Section 498A of the Indian Penal Code.

2. The application bearing Criminal Application (APL) No.404/2025 is filed by the brother-in-law and his wife, whereas Criminal Application (APL) No.138/2025 is filed by the other relatives.

3. The crime is registered on the basis of report lodged by the informant on an allegations that her marriage was performed with co-accused Vijendra Patruji Bankar on 14.5.2023. After marriage she resumed co-habitation at the house of present applicants, but she was not treated well by the

present applicants and for small reasons she was ill-treated. It is alleged that her husband was taking suspicion about her character as well as other applicants were ill-treating her on account of they were not respected well in the marriage. She was taken by her husband at her sister-in-law's house wherein also she was ill-treated by the present applicants as well as her husband. Her husband was suspecting her character and on that count, he was assaulting her. Her mother-in-law also visited their house and for various reasons she also ill-treated them. It is alleged that the present applicants have demanded Rs.10,00,000/- from her and on that count she was ill-treated physically as well as mentally. On the basis of the said report Police have registered the crime against the present applicants.

4. Heard learned counsel Mr. Mahesh Rai for the applicant in Criminal Application (APL) No.404/2025. He submitted that except mentioning of the names no role is attributed to the present applicants in the present application. Merely because they are brother-in-law and the wife of the brother-in-law being the family members they are implicated in the alleged offence, general and omnibus allegations are levelled against them in a concluding para. In view of that, no prima facie case is made out against them.

5. On the contrary, learned counsel Shri A.G. Hunge for the applicants in Criminal Application (APL) No.138/2025 taken us to the entire F.I.R. and the charge-sheet and submitted that considering the nature of allegations against the present applicants which is omnibus in nature and, therefore, the application deserves to be allowed. He submitted that no specific instances are narrated by the informant as far as the

ill-treatment at the hands of present applicants are concerned. He submitted that now there is a tendency of implicating entire family members and, therefore, the applicants are implicated in the alleged offence.

6. Per contra, learned Additional Public Prosecutor strongly opposed the same and submitted that during the investigation the Investigating Officer has recorded relevant statements of the witnesses and shows the involvement of the present applicants and, therefore prima facie case is made out.

7. Learned counsel for the complainant has also reiterated the said contentions and submitted that there are statement of the witnesses which shows involvement of the present applicants in the alleged offence. In support of his contention he places reliance in the case **Muskan Vs. Ishaan Khan (Sataniya) and others**, reported in **2025 LiveLaw SC 1080** and submitted that F.I.R. is not an encyclopedia and Court can not conduct the mini trial at this stage. In view of that, the application deserves to be rejected.

8. After hearing both sides and on perusal of the entire application papers it reveals that the husband is not the applicant herein. Entire allegations are levelled against husband as far as ill-treatment is concerned. Regarding the allegations against the in-laws i.e. mother-in-law and sister-in-law is concerned which is to the extent that she was ill-treated by them as they were not treated well in the marriage and the food which was provided in the marriage was not of a good quality. Thus, from the recitals of the F.I.R. and the investigation papers shows that the allegation against the present applicants is of a wear and tear in nature. An offence is

punishable under Section 498A of the Indian Penal Code, “when husband or his relatives subjects woman to cruelty which may result in imprisonment for a term extending upto three years and a fine. The Explanation under Section 498A of the I.P.C. defines cruelty for the purpose of Section 498A of the I.P.C. to mean any of the Act mentioned in clause (a) or (b). The first limb of clause (a) of the Explanation of Section 498A of the Indian Penal Code states that cruelty means any willful conduct that is of such nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation of Section 498A of the Indian Penal Code states that cruelty means any willful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; Further clause (b) of the Explanation of Section 498A of the Indian Penal Code states that cruelty also include harassment of the woman where such harassment is to coerce her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

9. In view of the above proposition of law if the facts and circumstances of the present case are taken into consideration, admittedly there is specific allegations as far as husband is concerned, regarding the allegation against the present applicants are concerned, who are in-laws, brother-in-law and sister-in-law general and vague allegations are levelled. No specific instances are narrated as far as ill-treatment is concerned. Considering the recitals of the F.I.R. it reveals that the allegation against the present applicants is that they were

ill-treating her on a trifle reason like they were not respected in a marriage. Thus, the allegation is of wear and tear in nature. At this stage, a reference can be given to the observation of the Hon'ble Apex Court in the case 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 498A 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.”

10. The another decision of the Hon'ble Apex Court in the case of **Kahkashan Kausar @ Sonam Vs. The State of Bihar**, reported in (2022) 6 SCC 599, wherein the Hon'ble Apex Court

observed as under :

“The above-mentioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498A of the Indian Penal Code 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 judgment 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 judgment 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.”

11. Similar observation is made by the Hon'ble Apex Court in the recent decision of **Dara Laxmi Narayana Vs. State of Telangana, MANU/SC/1309/2024**, wherein the Apex Court has made it clear that family members of the husband ought not to be unnecessarily roped into criminal proceeding arising out of matrimonial dispute. The Court observed that it has become a recurring tendency to implicate every member of the husband's family irrespective of the 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.

12. In view of the above observations, after applying to the facts of the present case admittedly the present applicants appears to have implicated merely because they are the relatives of the husband of the informant, as far as the nature of the allegation is concerned, admittedly vague and general in nature, no prima facie case is made out. In view of that, both the applications deserve to be allowed. Accordingly, we proceed to pass following order :

ORDER

(i) The Criminal Application (APL) No.404/2025 and Criminal Application (APL) No.138/2025 are hereby allowed.

(ii) The First Information Report in connection with Crime No.1078/2024, registered under Section 498A of the Indian Penal Code and the consequent proceeding arising out of the same bearing R.C.C. No.182/2025 is hereby quashed and set aside to the extent of present applicants.

(iii) The applications are disposed of in view of the abovesaid terms.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)