



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

CRIMINAL APPLICATION (APL) NO.234 OF 2025

1. Ramesh S/o Rajaram Thakur, Aged – 76 years, Occupation – Retired,
2. Archana W/o Ramesh Thakur, Aged – 65 years, Occupation – Housewife,
3. Abhijay S/o Ramesh Thakur, Aged – 35 years, Occupation – Service

All Applicants Nos.1 to 3 are R/os A-104, Essencia Heights, S No.16/7, Near Orchid Hotel and Balewadi Stadium, Baner – Mahalunge Road, Baner, Pune. PIN-411045.

...Applicants

// VERSUS //

1. State of Maharashtra, Through its Police Station Officer, Shegaon Police Station, District- Buldhana.
2. Anagha W/o Dhananjay Thakur, Age : 27 yrs, Occupation – Service R/o Near Durga Mata Mandir, Opp. Jain Provisions, SBI Colony Shegaon, Tahsil – Shegaon, District – Buldhana.

... Non-applicants

Mr R.N. Badhe, Advocate for Applicants.
Mr G.S. Umale, A.P.P. for Non-applicant No.1/State.
Mr S.S. Ali, Advocate for Non-applicant No.2.

CORAM : ANIL S. KILOR AND PRAVIN S. PATIL, JJ.
DATE : 06/05/2025

ORAL JUDGMENT (Per : Anil S. Kilor, J.)

1. Heard.

2. **RULE.** Rule is made returnable forthwith. Heard finally by consent of the parties.

3. This is an application filed under Section 482 of the Code of Criminal Procedure for quashing of First Information Report (hereinafter referred to as “FIR”) No.719 of 2024 dated 23.12.2024 registered with Police Station Shegaon, Dist. Buldhana, for the offences punishable under Sections 506, 504, 498-A and 323 read with Section 34 of the Indian Penal Code.

4. The applicant No.1 is father-in-law, applicant No.2 is mother-in-law and applicant No.3 is brother-in-law of the non-applicant No.2 / complainant.

5. Shri. Badhe, learned counsel for the applicants at the outset points out that before the Civil Judge Senior Division, Khamgaon, the Court has dissolved the marriage. He submits that, in the said backdrop if the allegations are seen in the FIR, it will be revealed that the allegations

are vague and generalized. He submits that, to pressurize the applicants they have been falsely implicated in the alleged offence.

6. To examine the merit in this argument, we have perused the record and also heard the learned A.P.P. and the learned counsel for the non-applicant No.2.

7. From the report, it is apparent that, the allegations against the applicants are vague and generalized and made without any substantial evidence on record.

8. The Hon'ble Supreme Court of India in the case of *Dara Lakshmi Narayana and others ..vs.. State of Telangana and another*, reported in (2025) 3 SCC 735, has held thus :-

“28. In fact, in the instant case, the first appellant and his wife i.e. the second respondent herein resided at Jollarpeta, Tamil Nadu where he was working in Southern Railways. They were married in the year 2015 and soon thereafter in the years 2016 and 2017, the second respondent gave birth to two children. Therefore, it cannot be believed that there was any harassment for dowry during the said period or that there was any matrimonial discord. Further, the second respondent in response to the missing complaint filed by the first appellant herein on 05.10.2021 addressed a letter dated 11.11.2021 to the Deputy Superintendent of Police, Thirupathur Sub-Division requesting for closure of the said complaint as she had stated that she had left the matrimonial home on her own accord owing to a quarrel with the Appellant 1 because of one Govindan with whom the second respondent was in contact over telephone for a period of ten days. She had also admitted that she would not repeat such acts in future. In the above conspectus of facts, we find

that the allegations of the second respondent against the appellants herein are too far-fetched and are not believable.

30. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498-A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

31. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant, husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.”

9. In the teeth of the above referred observations of the Hon’ble Supreme Court of India and considering the allegations which are vague and generalized against the applicants, we find substance in the submission of the learned counsel for the applicants that the complaint came to be made by the non-applicant No.2 to pressurize the applicants.

10. In that view of the matter since the complaint is found to be vexatious compelling the applicants to face the trial would amount to abuse of process of law. Accordingly, we pass the following order :-

- i) The Criminal Application is **allowed**.
- ii) The First Information Report No.719 of 2024 dated 23.12.2024 registered with Police Station Shegaon, Dist. Buldhana, for the offences punishable under Sections 506, 504, 498-A and 323 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.

Rule is made absolute in above terms. No costs.

(PRAVIN S. PATIL, J.)

(ANIL S. KILOR, J.)

C.L.Dhakate