



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

CRIMINAL APPLICATION (APL) NO. 302 OF 2025

1. **Mr. Ajay Subhash Daberao**
Aged about 35 years,
Occupation : Unemployed,
R/o. Plot No.61, Vitthal Nagar1,
Near Durga Mata Mandir,
Manewada, Nagpur,
Maharashtra- 440034
2. **Mrs. Shakuntala Subhash Daberao**
Aged about: 60 years,
Occupation: Household;
R/o Plot No.61, Vitthal Nagar 1,
Near Durga Mata Mandir,
Manewada, Nagpur
Maharashtra - 440034
3. **Mr. Prakash Subhash Daberoa,**
Aged about 45 years,
Occupation: Government employee
R/o Quarter No.4, Wanjari Nagar,
Ajani, Nagpur
4. **Ms Aarti Prakash Daberao,**
Aged about: 43 years,
Occupation: Housewife,
R/o Quarter No.4, Wanjari Nagar,
Ajani, Nagur
5. **Anjali Jay Tehilyani,**
Aged about 38 years,
Occupation : Housewife,
R/o Plot No.70, Near Durga Mata
Mandir,
Aaradha Colony, Nara Road,
Jaripatka, Nagpur
6. **Jay Ramesh Tahilyani**
Aged about 42 years,
Occupation: Service,

- R/o Plot No.70, Near Durga Mata
Mandir,
Aaradha Colony, Nara Road,
Jaripatka, Nagpur
7. Pratibha Shalv Gupte,
Aged about 38 years,
Occupation : Housewife,
R/o Brassia 401, Nyati Estate,
Near DPS School, Mohammadwadi,
Hadapsar, Pune, Maharashtra-
411060
8. Dipmala Shubhash Daberao,
Aged about 40 years,
Occupation: Service,
R/o Plot No.140, Ulhas Nagar,
Manewada, Nagpur

// V E R S U S //

1. **The State of Maharashtra,**
Through Police Station Officer,
Police Station, Civil Lines, Tah and
District Akola
2. **Mrs. Manisha Ajay Daberao,**
Aged about years,
Occupation :Unemployed,
R/o. Near Bhagat Singh Putla,
Lahan Umari, Akola, Civil Lines,
Akola, Maharashtra

NON-APPLICANTS

Ms Anagha Shelke, Advocate h/f Mr. G.K. Bhusari, Advocate for
the applicants.

Mr N.B. Jawade, APP for non-applicant No. 1/State.

Mrs. Sonali Saware, Gadhave, Advocate for non-applicant No.2.

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

DATED : 11.09.2025

ORAL JUDGMENT : (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 the applicants who are the husband and his relatives under Section 482 of the Code of Criminal Procedure for quashing of First Information Report bearing Crime No.385/2024 and charge-sheet bearing No.84/2024 registered for the offences punishable under Sections 498-A, 323 and 504 read with Section 34 of the Indian Penal Code registered at Police Station Civil Lines, District Akola .

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

The informant is the wife of the applicant No.1 and applicant No.2 is the mother-in-law, applicant No.3-brother-in-law and applicant No.4-sister-in-law, applicant No.5 sister-in-law, applicant No.6 is brother-in-law, applicant No.7 and applicant

No.8 is sister-in-law of the informant. She has lodged report alleging that her marriage with applicant No.1 was performed prior to eight months and after marriage she resumed the cohabitation but all the applicants have subjected her for the ill-treatment by demanding an amount of Rs.7 lakh. She has specifically alleged that on 01.02.2024 at about 9.30 p.m. applicant No.1 has assaulted by means of fists and kicks blows and therefore, she constrained to leave the matrimonial house and staying at the house of her parents. On the basis of the said report police have registered the crime against the present applicants. After registration of crime the Investigating Officer has recorded the relevant statements of the witnesses and after completion of the investigation submitted charge-sheet against accused.

5. It is stated in the application that on the basis of the general and omnibus allegations the applicants are implicated. In fact it was the informant who was not willing to stay along with the applicants and therefore, she left the house and with false allegations alleged complaint was lodged. No prima-facie case is

made out and therefore, First Information Report and charge-sheet be quashed.

6. Learned APP and learned counsel for the non-applicant No.2 strongly opposed for the same and submitted that considering the statement of the informant that she was assaulted by the applicant No.1 on the instigation of the other applicants prima-facie case is made out. Therefore, application deserves to be rejected.

7. On hearing both the sides and on perusal of the investigation papers it reveals that marriage of the applicant No.1 and informant was performed prior to eight months of lodging of the First Information Report. Admittedly applicant Nos.3 to 7 are residing separately and not residing with the informant and her husband. As far as applicant No.2 (mother-in-law) is concerned against whom general and omnibus allegations are levelled. She has specifically alleged by narrating the incident of dated 01.02.2024 against the applicant No.1 i.e. husband. Thus as far as husband is concerned against whom the specific allegations are

levelled by the informant. Therefore prima-facie case reveals from the recitals of the FIR as far as applicant No.1. is concerned. Admittedly the general and omnibus allegations are levelled against other applicants and they appear to be implicated merely because they are the close relatives of the husband. Now this issue is well settled by the decisions of the Hon'ble Apex Court in catana of the decisions 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.

8. 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. Recently in the case of ***Mangeram Vs. State of Madhya Pradesh*** reported in ***Manu/SC/1066/2025*** the Hon’ble Apex Court also dealt with tendency of roping all the

family members and observed by referring the judgment of Dara Laxmi Narayana Vs. State of Telangana reported in Manu/SC/1309/2024 and made it clear that Family members of the husband ought not to be unnecessarily roped into criminal proceeding arising out of matrimonial discord. The Court 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 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. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse.

10. In the light of the above observations of Hon'ble Apex Court and the facts and investigation papers collected

during the investigation shows that general and omnibus allegations are levelled against applicant Nos.2 to 8, whereas, there is specific allegation as far as applicant No.1 is concerned. Therefore, application deserves to be allowed partly.

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

ORDER

(i) The Criminal Application is partly allowed.

(ii) The FIR No.385/2024 and charge-sheet No.84/2025 registered with Police Station Civil Line, District Akola for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code and Bharatiya Nyaya Sanhita, 2023 are hereby quashed and set aside against applicant Nos.2- Mrs. Shakuntala Subhash Daberao, applicant No.3- Mr. Prakash Subhash Daberao, applicant No.4 Aarti Prakash Daberao, applicant No.5 Anjali Jay Tehilyani, applicant No.6-Jay Ramesh Tehilyani, applicant No.7-Pratibha Shalv Gupte and applicant No.8-Dipmala Shubhash Daberao. The proceeding will continue against applicant No.1-Mr. Ajay Subhash Daberao.

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.)

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