



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.305/2025

1. Abhinay S/o Rajesh Soni,
Aged about 32 yrs, Occ. Private,
2. Mamta W/o Rajesh Soni
Aged about 53 yrs, Occ. Housewife,
3. Rajesh S/o Ramkisan Soni
Aged about 60 yrs, Occ. Private,

Nos. 1 to 3 R/o 31, Raoji Bazar,
Near Mata Mandir, Juni Indore-
452007 (M.P.)
4. Divya W/o Gaurav Verma
Aged about 29 yrs, Occ. Housewife,
5. Gaurav S/o Harikumar Verma
Aged about 35 yrs, Occ. Private,

Nos. 4 & 5 R/o Ward No.5,
Narirabad Road, House No. 196,
Babai, Distt. Hoshangabad (M.P.)

... APPLICANTS

...VERSUS...

1. State of Maharashtra
through its Police Station Officer,
Mankapur, P.S. Nagpur
2. Nidhi W/o Abhinay Soni
Aged about 32 yrs, Occ. Housewife,
R/o C/31, Kaushalya Apartment,

Shivaji Complex, Police Station
Mankapur, Mankapur, Nagpur

...NON-APPLICANTS

Shri. R.R. Prajapati, Advocate for applicants
Shri N.H. Joshi, APP for non-applicant No.1/State
Shri S.B. Raut, Advocate for non-applicant No.2

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**
DATED : 18.09.2025

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

Heard. **Admit.** Heard finally with the consent of learned
Counsel for the parties.

2. The present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No. 0512/2024, registered with Mankapur Police Station, Nagpur, for the offences punishable under Sections 85, 352, 351(2), 3(5) and 115(2) of the BNSS, as also the consequent charge-sheet bearing No.147/2024, registered as Regular Criminal Case No.217/2025.

3. The applicant No. 1 is the husband, the applicant Nos. 2 and 3 are the in-laws and the applicant Nos. 4 is the sister-in-law and the applicant No .5 is the brother-in-law.

4. The crime is registered on the basis of a report lodged by the respondent No.2-informant, on the allegation that her marriage was performed with the applicant No.1 on 11.07.2024. After she resumed the cohabitation at the house of the present applicants, she was ill-treated by demanding the unlawful demand like gold ornaments. As she could not fulfill the said demand, and therefore, she was driven out of the house, and therefore, she was constrained to lodge the report. On the basis of the said report, the police have registered the crime. During the investigation, the Investigating Officer has recorded the various statements and after completion of the investigation, submitted the charge-sheet against the present applicants.

5. Heard learned Counsel for the applicants. He submitted that prior to lodging of the First Information Report by the informant, the present applicant No.1 had already lodged a complaint against

the informant, that it is the informant who is harassing him, as well as the other family members, and to give a counterblast to the said complaint, this false report is filed by the informant. He further submitted that omnibus and general allegations are levelled against all the applicants. No specific instances are narrated by the informant, and therefore, no *prima facie* case is made out against the applicants. In view of that, the application deserves to be allowed.

6. Learned Additional Public Prosecutor and learned Counsel for the respondent No.2 strongly opposed for the same and submitted that there are specific allegations as far as the applicant Nos. 1 and 2 are concerned. As far as the applicant Nos. 3, 4 and 5 are concerned, it is alleged that on their instigation, applicant No.1 was harassing the informant. Thus, considering the *prima facie* material, the application deserves to be rejected.

7. On hearing both sides and on perusal of the entire investigation papers, as far as the applicant Nos. 1 and 2 are concerned, there are specific allegations and specific instances

narrated by the informant as to the ill treatment at their hands. As far as applicant Nos. 3, 4 and 5 are concerned, admittedly, general and omnibus allegations are levelled against them. Moreover, the applicant Nos. 4 and 5 are not residing with the informant, and the applicant No.1, they are residing separately. Considering the nature of the allegations, admittedly, the *prima facie* case is made out against the applicant Nos. 1 and 2, but the applicant Nos. 3 to 5 have made out a case for quashing of the First Information Report. Considering the nature of the allegations, the observations made by the Hon'ble Apex Court in the case of ***Preeti Gupta Vs. State of Jharkhand, (2010) 7 SCC 667***, wherein, the Apex Court observed in paragraph Nos. 30, 32, 34 as under :

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is repeatedly increasing in our country. All the Courts in our country including this Court are flooded with the matrimonial cases. This really demonstrates discontent and unrest in the family life of a large number of people in the society.

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32. It is the matter of common experience that most of these complaints under Section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We came across a large number of such complaints which are not even bona fide and as 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.

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34. Unfortunately, at the time of filing of complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to unsurmountable, harassment, agony and pain to the complainant, accused and his close relations.”

8. In another case of ***Kahkashan Kausar Vs. State of Bihar, (2022) 6 SCC 599***, wherein also the same subject matter was dealt by the Hon’ble Supreme Court and 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 498A 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. The Hon’ble Apex Court in ***Dara Lakshmi Narayana Vs. State of Telangane, MANU/SC/1309/2024***, has made it clear that family members of the husband ought not to be unnecessarily roped into

criminal proceedings 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 view of the above observations of the Hon'ble Apex Court, the applicant Nos. 3 to 5 have made out a case for quashing of the First Information Report. Hence, we proceed to pass the following order :

ORDER

- 1) The criminal application is partly allowed.

2) The prayer of the applicant No. 1 – Abhinay Rajesh Soni and applicant No. 2 – Mamta Rajesh Soni, for quashing of the First Information Report, is hereby rejected.

3) The First Information Report in connection with Crime No. 0512/2024, registered with Mankapur Police Station, Nagpur, for the offences punishable under Sections 85, 352, 351(2), 3(5) and 115(2) of the BNSS, as also the consequent charge-sheet bearing No.147/2024, registered as Regular Criminal Case No.217/2025, is hereby quashed so far as it relates to the applicant No. 3 – Rajesh Ramkisan Soni, applicant No.4 – Divya Gaurav Verma and applicant No.5 – Gaurav Harikumar Verma,

11. In the aforesaid terms, the application stands disposed of.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..