



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

CRIMINAL APPLICATION (APL) NO. 374 OF 2025

1. **Naeem Khan s/o Noor Khan**
Aged about 31 years,
Occupation : Private (Husband)
2. **Noorani Begum w/o Noor Khan**
Aged about 45 years,
occupation : Housewife
(Mother-in-law)
3. **Nazim Khan s/o Noor Khan**
Aged : 26 years, occupation: Private

All R/o Near Nawab Subhan Khan
Masjid, Jijamata Chowk,
Karanja Lad, Washim MH-444105
(Brother-in-law)

APPLICANTS

// V E R S U S //

1. **The State of Maharashtra,**
Through P.S.O. Washim
Tah. & Dist.- Washim
2. **Tabassum Fatema w/o**
Naeem Khan
Aged about 28 years,
Occ.: Private
R/o Saudagarpura, Washim,
Dist. Washim

NON-APPLICANTS

Mr P.M. Sinha, Advocate for the applicants.
Ms H.N. Prabhu, APP for non-applicant No.1/State.
Ms. G. Ansari, Adv. h/f Mr. M.N. Ali, Advocate for non-applicant
Nos.2.

CORAM : URMILA JOSHI PHALKE, J. AND
NANDESH S. DESHPANDE, JJ.
DATED : 24.09.2025

O R A L J U D G M E N T : (PER : URMILA JOSHI PHALKE, J.)

1. Heard.
2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.
3. The present application is preferred by the applicants for quashing the First Information Report bearing No.853/2022 and consequent proceeding arising out of the same bearing Regular Criminal Case No.53/2023 registered for the offences punishable under Sections 498-A, 506 read with Section 34 of the Indian Penal Code (for short, 'I.P.C.').

4. The applicants are arrayed as an accused on the basis of the report lodged by non-applicant No.2 on an allegation that her marriage was performed with applicant No.1 on 08.11.2021. In the marriage her parents have incurred the expenses and gave expensive gifts. After marriage, she resumed the cohabitation. But she was ill- treated by applicant No.1 by demanding Rs.10 Lakhs from her parents and on that count she was harassed physically as well as mentally. The applicant Nos.2 and 3 are her in-laws against whom she alleged that they have also instigated the applicant No.1 and demanded the amount of Rs.10 Lakhs from her parents and ill-treated her. On the basis of the said report, the police have registered the crime against the present applicants.

5. Heard learned counsel for the applicants, learned APP for the non-applicant No.1/State and learned counsel for non-applicant No.2. Perused the record and proceedings.

6. Learned counsel for the applicants submitted that only omnibus and general allegations are levelled against present applicants. As far as the ingredients of the offence are concerned,

the same are not made out. No purpose will be served by forcing the applicants to face the trial. Considering the nature of the allegations, the FIR as well as consequent proceedings deserves to be quashed and set aside.

7. Learned APP strongly opposed for the same on the ground that there are specific allegations as far as the applicant Nos. 2 and 3 are concerned and the specific allegations are levelled against applicant No.1 also. Thus, prima-facie case is made out against the present applicants. In view of that, application deserves to be rejected.

8. Learned counsel for the non-applicant No.2 endorsed the same contentions.

9. On hearing both the sides and on perusal of the entire investigation papers, it appears that the allegations levelled against applicant No.1 are specific that after marriage he started demanding the amount of Rs.10 Lakh. It further appears that applicant No.1 assaulted and abused non-applicant No.2 and thus,

ill-treated her physically and as well as mentally. As far as applicant Nos.2 and 3 are concerned, the allegations levelled against them are omnibus, general and stereotype.

10. At this stage reference can be made to Section 498-A of the Indian Penal Code (for short, 'I.P.C.') which read as under:

498-A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purpose of this section, “cruelty” means—

(a) any wilful 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; or

(b) harassment of the woman where such harassment is with a view to coercing 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.”

11. A careful scrutiny of charge-sheet shows that the statements of non-applicant No. 2 and her parents are general and omnibus in nature as far as applicant Nos. 2 and 3 are concerned. At this stage, reference can be made to

observations of the Hon'ble Apex Court 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.

12. In another case of ***Kahkashan Kausar @ Sonamand ors. vs The State Of Bihar and ors.*** reported in ***2022 (6) SCC 599***, the Hon'ble Supreme Court after taking into consideration various decisions of Supreme Court on the subject matter, observed in paragraph No.17 as under:-

“17. 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.”

13. In the recent judgment, the Hon'ble Supreme Court in the case of ***Mangeram Vs. State of Madhya Pradesh*** reported in ***Manu/SC/1066/2025*** has considered the aspect of implication of all the family members and observed that family members of the husband ought not to be unnecessarily roped into criminal proceeding arising out of matrimonial discard. 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.

14. The present case is another example of roping the parents only because they are the family members of applicant No.1. Considering the fact that the nature of allegations levelled against them is general and omnibus, the

application deserves to be partly allowed as far as applicant Nos.2 and 3 are concerned.

15. In view of that, we proceed to pass following order:-

ORDER

(i) The Criminal Application is partly allowed.

(ii) The First Information Report in connection with crime No.853/2022 dated 08.11.2022 registered for the offences punishable under Sections 498-A, 506 and 34 of the Indian Penal Code and consequent proceeding arising out of the same RCC No.53/2023 is hereby quashed and set aside to the extent of applicant Nos. 2 and 3 only.

(iii) The prayer of applicant No.1 for quashing of FIR is hereby rejected.

16. The criminal application stands disposed of.

Pending application, if any, also stands disposed of.

[NANDESH S. DESHPANDE, J] [URMILA JOSHI PHALKE, J.)