



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.477/2025

Bhagwan Mahadeorao Karade
Aged about : 63 years, Occ. : Advocate,
R/o Plot no. 56, Chatrapati Nagar,
Wardha road, Nagpur

... APPLICANT

...VERSUS...

1. State of Maharashtra
Through its Police Station Officer,
P.S. - Warora, Chandrapur
2. Vrushali Vinayak Karde,
Aged about 31 years, Occ: Nurse,
Dwarkanagri Anandvan, C/o
Suresh Dehakar,
P.S. Warora, Chandrapur

...NON-APPLICANTS

Shri. Apurva D. Kolhe, Advocate for applicant
Shri N.B. Jawade, APP for non-applicant/State
Ms P.D. Pisurde, 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. 0582/2022, registered with Warora Police Station, District Chandrapur, for the offences punishable under Section 498-A read with Section 34 of the Indian Penal Code, as also the consequent charge-sheet bearing No.85/2023, registered as Regular Criminal Case No.96/2023.

3. The present applicant is the cousin father-in-law of the informant, who lodged the report on an allegation that her marriage with one Vinayak Devidas Karade was performed on 22.09.2020. After marriage, she resumed the cohabitation at the house of the co-accused, wherein, he was residing with other family members. It is alleged that on the instigation of the present applicant, her husband was ill treating her by demanding the amount and also assaulting her. On the basis of the said report, Police have registered the crime against the present applicant.

4. Heard learned Counsel for the applicant, who submitted that as far as the present applicant is concerned who was not at all

residing along with the informant, and he was residing separately. There is no occasion for the present applicant to ill treat the informant. It is further submitted that now the decree of dissolution of marriage is already passed between her and her husband. As far as the present applicant is concerned, general allegations are levelled against him, so no purpose will be served by forcing him to face the trial. In view of that the First Information Report be quashed along with the criminal proceeding arising out of the R.C.C. No. 96/2023

5. Learned Additional Public Prosecutor strongly opposed for the same on the ground that there is a specific allegation that on the instigation of the present applicant the other family members were ill treating, abusing and beating the informant, and therefore, there is a *prima facie* material against the present applicant. In view of that the application deserves to be rejected.

6. Learned Counsel for the informant has also relating the same contentions and submitted that considering the *prima facie* material the application deserves to be rejected.

7. On hearing both the sides and on perusal of the entire investigation papers, as well as the First Information Report. admittedly, the present applicant is residing separately and never resided along with the informant and her husband. As far as the allegations levelled against the present applicant is concerned, which is general in nature. Now, the decree of dissolution of marriage is already passed in favour of the informant and her husband. Considering the nature of the allegations which are the statements omnibus, stereotype and not stating any specific instances, at this stage, reference can be given to 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 Birhar, (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. Now a days tendency to implicate all the family members of the husband in the complaint like 498-A of the IPC which is also the observation of the Hon’ble Apex Court and the Hon’ble Apex Court

by referring the judgment of *Dara Lakshmi Narayana Vs. State of Telangane, MANU/SC/1309/2024*, observed 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 with the facts and allegations against the present applicant are concerned which are general and omnibus in nature, no specific instances are narrated by the informant. Moreover, considering the

fact that now the matrimonial tie between the informant and her husband is already dissolved by obtaining the decree of dissolution of marriage, no purpose will be served by forcing the present applicant to face the trial. In view of that application deserves to be allowed. Accordingly, we proceed to pass the following order :

ORDER

- 1) Criminal application is allowed.
 - 2) The First Information Report in connection with Crime No. 0582/2022, registered with Warora Police Station, District Chandrapur, for the offences punishable under Section 498-A read with Section 34 of the Indian Penal Code, as also the consequent charge-sheet bearing No.85/2023, registered as Regular Criminal Case No.96/2023, are hereby quashed and set aside.
 - 3) The fees of the appointed Counsel be quantified as per Rules.
11. The application stands disposed of in the above terms.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..