



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO.520/2025

1. Ashok S/o Baburao Ajabe, aged about 32 years, Occupation: Service, (Husband of N.A. No.2)
2. Baburao S/o Namadev Ajabe, aged about 56 years, Occupation: Agriculturist, (Father-in-law of N.A. No.2)
3. Kamal W/o Baburao Ajabe, aged about 50 years, Occupation: Agriculturist, (Mother-in-law of N.A. No.2)
4. Rohini D/o Baburao Ajabe, aged about 22 years, Occupation: Agriculturist, (Sister-in-law of N.A. No.2).

Applicants No.1 to 4 are R/o At Post Kolgaon, Tah. Georai, Dist. Beed.

5. Archana W/o Dnyandeo Kale, aged about 35 years, Occupation: Agriculturist, (Sister-in-law of N.A. No.2)
6. Sudarshana W/o Sunil Kale, aged about 34 years, Occupation: Agriculturist, (Sister-in-law of N.A. No.2).

Applicants No.5 and 6 are R/o At Post Navgan Rajuri, Tah. and Dist. Beed.

... APPLICANTS

...VERSUS...

- 1) The State of Maharashtra, through the Police Station Officer, Police Station Chandur Bazar, Tah. Chandur Bazar, Dist. Amravati.
- 2) Sau. Sandhya W/o Ashok Ajabe, aged about 29 years, Occupation: Service, R/o Rural Hospital Quarter No.11, Chandur Bazar, Tah. Chandur Bazar, Dist. Amravati.
(Wife of applicant No.1)

...NON-APPLICANTS

Shri N.B. Kalwaghe, Advocate h/f for applicants
Ms S.S. Dhote, APP for non-applicant No.1/State
Shri Ajay Madane, Advocate for non-applicant No.2

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

DATED : 10.11.2025

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

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

2. Present application is preferred by the applicants for quashment of the First Information Report in connection with Crime No. 0450/2024, registered with Police Station Chandur Bazar,

District Amravati, for the offence punishable under Section 498-A, 504, 506 and 323, read with Section 34 of the Indian Penal Code.

3. The crime is registered on the basis of a report lodged by the informant/non-applicant No.2 on an allegation that her marriage was performed with the applicant No.1 on 27.01.2022. After marriage, she resumed cohabitation at the house of the present applicants. The applicant No.1 is the husband, the applicant Nos. 2 and 3 are her in-laws. The applicant Nos. 4, 5 and 6 are the sister-in-law. As per the allegations, after marriage, she stayed in a joint family for 10-12 days, and thereafter, she resumed the cohabitation at Chandur Bazar, along with her husband. As per her allegations, the other applicants were instigating her husband, and her husband was demanding money for various reasons and ill treating her physically as well as mentally. On the basis of the said report, the police have registered the crime against the present applicants.

4. Heard learned Counsel for the applicants. During submissions, as we have shown disinclination, he has withdrawn the application as far as the applicant No.1 is concerned.

5. He submitted that as far as applicant Nos. 2 to 6 are concerned, against whom the general allegation is levelled by the informant. He submitted that on perusal of the recitals of the First Information Report, it reveals that general, omnibus and vague allegations are levelled against the other applicants merely because they are the relatives of the husband of the informant i.e. applicant No.1. He also invited our attention towards the report of the Women's Cell and submitted that before the Women's Cell, the informant and applicant No.1 had settled the dispute. As per the settlement, the non-applicant No.2 agreed to resume the cohabitation at the house of the present applicants, but she has not resumed cohabitation, and she has lodged the complaint. The report of the Women's Cell specifically shows that it was the first complaint filed by the non-applicant No.2. Thus, he submitted that the report of the Women's Cell sufficiently shows that the non-applicant No.2 is in the habit of lodging false complaints. Thus, considering the nature of the allegation, no offence is made out against the present applicants, and therefore, the application deserves to be allowed.

6. Per contra, learned Additional Public Prosecutor strongly opposed the said application and invited our attention towards the recitals of the First Information Report and submitted that even against the other applicants i.e. applicant Nos. 2 to 6 are concerned, specific allegations are leveled by the informant. She also invited our attention towards the WhatsApp chats between the applicant No.1 and non-applicant No.2 and the N.C. reports and submitted that this material sufficiently shows that the informant was subjected to ill-treatment at the hands of the present applicants, and therefore, being a *prima facie* case made out, the application deserves to be rejected.

7. Learned Counsel for the non-applicant No.2 also invited our attention towards the N.C. reports and submitted that subsequent to the settlement, these reports are filed which sufficiently show that there is specific allegations against the present applicants, and therefore, the application deserves to be rejected.

8. On hearing both the sides, and on perusal of the recitals of the First Information Report, it reveals that the non-applicant No.2

and her husband were residing separately at Chandur Bazar. The entire allegations are levelled as far as the applicant No.1 husband is concerned, for whom the application has already been withdrawn. As far as the applicant Nos. 2 to 6 are concerned, the applicant Nos. 2 and 3, who are the in-laws, were also residing separately, and applicant Nos. 5 and 6 are already married and they are residing at Navgan Rajuri, Taluka and District Beed, which is far away from the place where the applicant and non-applicant No.2 are residing.

9. The applicant Nos. 2 to 4 are also residing at Beed, which is far away from the place where the applicant No.1 and non-applicant No.2 were residing. Therefore, the contention of the informant that they used to instigate her husband has no substance. It is also revealed from the entire record that the husband and wife both entered into a settlement before the Women's Cell and non-applicant No.2 agreed to resume the cohabitation at her husband's place. The N.C. reports are also seen, which are also prior to the settlement which took place between the husband and the wife. Thus, considering the entire investigation papers, there is no doubt

that the entire allegations as far as the applicant Nos. 2 to 6 are concerned, which are general, vague, and omnibus as far as the ill treatment is concerned. No specific instances are narrated by the informant as far as their involvement in the instigation is concerned. At this stage, reference can be given regarding Section 498-A of the Indian Penal Code, which reads 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.

Classification of Offence. - The offence under this section is cognizable if information relating to the commission of offence is given to an officer in charge of a police station by the aggrieved person or by any person related to her by blood, marriage or adoption or if there is no such relative, by any public servant belonging to such

class or category as may be notified by the State Government in this behalf, non-bailable, non-compoundable and triable by Magistrate of the first class,

10. At this stage, reference can be given to the observations made by the Hon'ble Apex Court in the matter 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.
31.....*

*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.
33.....*

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.”

11. Recently the Hon'ble Apex Court in the case of ***Sanjay D. Jain Vs. State of Maharashtra, in Special Leave Petition No. 12584/2024, decided on 26.09.2025***, wherein also, these aspect was considered and it is observed that the cruelty caused by the husband and his family members should be of such nature that it is inflicted with the intention to cause grave injury or drive the victim to commit suicide or inflict grave injury to herself. Such allegations admittedly are absent in the present case.

12. Now a days it has become a tendency to implicate all the family members in the offence, like 498-A of the Indian Penal Code. The Hon'ble Apex Court has already made it clear in the case of ***Dara Lakshmi Narayana and others Vs. State of Telangana and another, MANU/SC/1309/2024***, 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.

13. Here in the present case, it reveals from the WhatsApp chat as well as the recitals of the First Information Report, and the statements that the dispute arose between the husband and wife, and the First Information Report came to be lodged, and the entire family members were roped into it.

14. Considering the general and omnibus allegations levelled against the applicant Nos. 2 to 6, the application deserves to be allowed to the extent of applicant Nos. 2 to 6.

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

ORDER

1. The application is partly allowed.
2. The application is disposed of as far as applicant No.1 is concerned as withdrawn.
3. The First Information Report in connection with Crime No. 0450/2024, registered with Police Station Chandur Bazar, District Amravati, for the offence punishable under Section 498-A, 504, 506 and 323, read with Section 34 of the Indian Penal Code, is hereby quashed to the extent of applicant Nos. 2 to 6 and consequent

proceedings arising out of the same bearing RCC No. 294/2024, pending in the Court of Judicial Magistrate First Class, Chandur Bazar, District Amravati, is hereby quashed to the extent of applicant Nos. 2-Baburao S/o Namadev Ajabe, 3-Kamal W/o Baburao Ajabe, 4-Rohini D/o Baburao Ajabe, 5- Archana W/o Dnyandeo Kale, 6-Sudarshana W/o Sunil Kale.

16. The application is disposed of in the above said terms.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..