



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

CRIMINAL APPLICATION (APL) NO. 547 OF 2025

1. **Rajendra s/o Shriram Dhepe**
(cousin brother-in-law of N.A.2/
cousin brother on the husband of
N.A. No.2.
Aged about 50 years,
Occupation : Advocate,
R/o Kaulkhed, Akola Tq. And
District Akola (Accused No.6)

APPLICANT

// V E R S U S //

1. **State of Maharashtra,**
Through Police Station Officer,
Police Station Sarvaspura,
Amravati Rural
District Amravati
2. **Sau. Aarti w/o Ganesh Dhepe**
Aged about 40 years,
Occ.: Household
R/o Tuljapur Jahangir,
Amravati Rural
District Amravati

NON-APPLICANTS

Mr P.R. Agrawal, Advocate for the applicant.
Ms Sneha Dhote, APP for non-applicant No.1/State.
Mr. D.S. Khushlani, Advocate for non-applicant Nos.2.

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

ORAL JUDGMENT : (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 applicant for quashing of the First Information Report bearing No.231/2023 and charge sheet No.54/2023 dated 23.10.2023 registered for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code (for short, 'I.P.C.').

4. The applicant is 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 accused No.1-Ganesh on 07.05.2017. In the marriage her mother has incurred the expenses and given 64 gm gold. After marriage, she resumed the cohabitation. But she was ill- treated and on that count she was physically as well as mentally harassed. Applicant is her cousin-brother-in-law against whom she alleged that he has also abused

her. On the basis of the said report police have registered the crime against the present applicant.

5. Heard learned counsel for the applicant who submitted that only omnibus and general allegations are levelled against present applicant. As far as the ingredients of the offence are concerned no case is made out against the applicant. No purpose will be served by forcing the applicant to face the trial. Considering the nature of the allegations the FIR as well as charge-sheet deserves to be quashed and set aside.

6. Learned APP strongly opposed for the same on the ground that there are specific allegations levelled against applicant. Thus, prima-facie case is made out against present applicant. In view of that, application deserves to be rejected.

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

8. On hearing both the sides and on perusal of the entire investigation papers only general and omnibus allegations are levelled against the applicant.

9. 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.”

10. At this stage reference can be made to observations made by 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.

11. In another case ***Kahkashan Kausar @ Sonamand ors. vs The State Of Bihar and ors.*** reported in **2022 (6) SCC 599** 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.”

12. In the recent judgment 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 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. The present case is another example of roping the cousin brother-in-law only because he is the family member of husband of non-applicant No.2. Considering the allegations levelled against him and that nature of allegations is general and omnibus the application deserves to be allowed.

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

ORDER

(i) The Criminal Application is allowed.

(ii) First Information Report in connection with crime No.231/2023 dated 28.08.2023 registered for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and charge-sheet No.54/2023 is hereby quashed and set aside against applicant- **Rajendra s/o Shriram Dhepe.**

15. The criminal application stands disposed of.
Pending application, if any, also stands disposed of.

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