



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

CRIMINAL APPLICATION (APL) No.550 OF 2025

(Sainath Dhanraj Khadse and others Vs. State of Maharashtra, through PSO, PS
Nandanvan, Nagpur and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. N.R. Raut, Advocate for applicants.
Mr. Nikhil Joshi, APP for non-applicant No.1.
Mr. U.Y. Sonkusare, Advocate for non-applicant No.2.

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

DATE : **08th OCTOBER, 2025.**

1. Present application is preferred by the applicants for quashing of First Information Report in connection with Crime No.342/2024, registered under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of same bearing R.C.C. No.3962/2024 pending on the file of 6th Judicial Magistrate, First Class, Nagpur.

2. Brief facts of the prosecution case are as under :

The respondent No.2 who is informant has lodged First Information Report against the present applicants on an allegation that she got acquaintance with the applicant No.1 and thereafter there was love affair between them which resulted into their marriage on 27.8.2021. After the marriage, she resumed the cohabitation at the house of present applicants. The applicant Nos.2 and 3 are the parents of the applicant No.1 and applicant No.4 is his sister. It is alleged that

after three months of the marriage she was ill-treated by the present applicants for various reasons by abusing and assaulting her. It is further alleged that the present applicant Nos.2 to 4 were instigating applicant No.1 for ill-treating her and he was ill-treated her physically as well as mentally. On the basis of said report Police have registered the crime against the present applicants.

3. Heard learned counsel for the applicants, who submitted that as far as the nature of allegations is concerned which is omnibus in nature. Merely because there was a dispute between the husband and wife this F.I.R. came to be lodged. He submitted that considering the nature of allegations which is vague, general and omnibus in nature, no purpose would be served by forcing the present applicants to face the trial. He also invited our attention towards the provision under Section 498A of the Indian Penal Code and submitted that in the light of the definition given under Section 498 no offence is made out against the present applicants and, therefore, the F.I.R. be quashed against them.

4. Learned A.P.P. for non-applicant No.1 and learned counsel for the non-applicant No.2 vehemently submitted that there is specific allegations against all the applicants. They invited our attention towards the recitals of the F.I.R. and submitted that informant was physically as well as mentally tortured by the present applicants and, therefore, the application deserves to be rejected.

5. On hearing both the sides and on perusal of the F.I.R. as well as other investigation papers, as far as applicant No.1/husband is concerned against whom the allegations to the

extent of physical as well as mental harassment is there along with specific instances, but as far as the applicant Nos.2 to 4 are concerned it is apparent that merely because they are parents, they appear to have implicated, general and sweeping allegations are levelled against them. All the statements against them are omnibus and stereotype in nature. At this stage reference can be given to Section 498A of I.P.C. 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 purposes 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.”

6. At this stage reference can be given to the observations made by the Hon’ble Apex Court in the matter of **Preeti Gupta and another Vs. State of Jharkhand and another**, reported in **(2010) 7 SCC 667**, wherein Hon’ble Apex Court observed in para 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 the moment over trivial issues without proper deliberations. We come 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 are also a matter of serious concern.

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

7. **Kahkashan Kausar @ Sonam Vs. The State of Bihar**, reported in (2022) 6 SCC 599, wherein the Hon’ble Apex Court observed as under :

“The above-mentioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498A of the Indian Penal Code 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 judgment 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 judgment 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.”

8. The Hon’ble Apex Court has also further considered the tendency of implicating every member of the husband’s family irrespective of their role in the case of **Dara Laxmi Narayana Vs. State of Telangana, MANU/SC/1309/2024**, where Hon’ble Apex Court made it clear that the family members of the husband ought not to be unnecessarily roped into criminal proceeding arising out of matrimonial dispute. The Court observed that it has become 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 these two spouses.

9. In view of above the observation of the Hon’ble Apex Court and considering the facts and circumstances of the present case, admittedly there is specific allegations as far as applicant No.1 is concerned, but applicant Nos.2 to 4 against whom the sweeping allegations are levelled by the informant. In view of that, the application deserves to be allowed. Accordingly, we proceed to pass following order :

ORDER

- (i) The application is allowed.
- (ii) The First Information Report in connection with Crime No.342/2024, registered under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code

and consequent proceeding arising out of same bearing R.C.C. No.3962/2024 pending on the file of 6th Judicial Magistrate, First Class, Nagpur, is hereby quashed to the extent of applicant Nos.2 to 4 (Dhanraj s/o.Ramaji Khadse, Sau. Ranjana w/o. Dhanraj Khadse and Swati w/o. Sunil Kate) are concerned. The proceeding will continue against the applicant No.1/Sainath Dhanraj Khadse.

(iii) The application is disposed of in the above said terms.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)

Wadode