



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO.640 OF 2025

1. Nanda wd/o Vishnu Yewale,
aged about 56 years, Oce-
Housewife, R/o. Flat no-102,
Sadguru Apartment, Prerna
Colony, Radha Nagar,
Amravati.
(Mother in Law)

2. Mangesh s/o Vishnu Yewale,
Age-39 years, Occ- Veterinary
Doctor,
(Brother in Law)

3. Priyanka w/o Mangesh
Yewale, Age- 34 years, Occ-
Housewife,
(Wife of Applicant no.02
i.e. Brother in law)

Both No.02 and 03 residents of
Deurwada, Tq. Digras,
Dist-Yavatmal.

4. Raksha w/o Rajeshrao Pande,
Age- 40 years, Occ-Housewife
(Sister in Law)

5. Rajeshrao Babuao Pande,
Age-49 years, Occ- Service,
(Husband of applicant
no.04 i.e. Sister in law)

Both No.04 and 05 residents of

Vyanktesh Nagar, Shegaon,
District- Buldhana

... APPLICANTS

//VERSUS//

1. The State of Maharashtra,
through Police Station Officer,
Police Station Amravati City,
Amravati.
2. Vijaya w/o Rajkiran Yewale,
Age -38 years, Occ-
Government Servant, R/o.
Apparwardha Colony, Quarter
C9, Shivaji Nagar, Amravati.

...NON-APPLICANTS

WITH

CRIMINAL APPLICATION (APL)NO.732 OF 2025

Rajkiran Vishnu Yewale,
aged about 42 years, Occ-
Government Employee, R/o.
Flat no-102, Sadguru
Apartment, Prerna Colony,
Radha Nagar, Amravati.
(Husband of Respondent no.02)

... APPLICANT

...VERSUS...

1. The State of Maharashtra,
through Police Station Officer,
Police Station Amravati City,
Amravati.
2. Vijaya w/o Rajkiran Yewale,

Age -38 years, Occ-
Government Servant, R/o.
Apparwardha Colony, Quarter
C9, Shivaji Nagar, Amravati.

...NON-APPLICANTS

Shri A.S. Mardikar, Advocate a/w Shri A.N. Rangari, Advocate for applicants in both applications

Shri A.G. Mate, APP for non-applicant/State in APL 640/2025 ,

Ms S.S. Dhote, APP for non-applicant/State in APL 732/2025

Ms Alveena Khan, Advocate h/f Shri D.N. Mudgale, Advocate for non-applicant No.2

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

DATED : 10.12.2025

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

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

2. Both the applications are filed by the applicants for quashing of the First Information Report in connection with Crime No. 0284/2025, registered under Section 498-A read with Section 34 of the Indian Penal Code.

3. The applicant in application No. 732 of 2025 is the husband

of the informant, whereas the applicant No.1 in application No. 640/2025 is the mother-in-law, applicant No. 2 is the brother-in-law, applicant No. 3 is the wife of the applicant No. 2, and applicant No. 4 is the sister-in-law. And applicant No.5 is the husband of applicant No.4.

4. The crime is registered on the basis of a report lodged by the informant on an allegation that her marriage was performed with Rajkiran Vishnu Yewale on 07/02/2010, and after marriage, she resumed the cohabitation at the house of the present applicants. She has handed over all her 'stridhan' in the custody of the present applicants. Initially, for some days she was treated well, but thereafter, she was ill-treated by the present applicants for one or the other reason. She alleged that after marriage, though her husband was serving at Yavatmal, but he kept her at Deurwada along with other applicants, and told her that she had to reside along with them, and she had to take care of his parents. Thereafter, she was pregnant, but he had not taken care of her, and she was ill-treated by demanding the amount, as well as for various reasons by all the applicants. On the basis of the said report, the

Police have registered the crime against the present applicants.

5. Heard learned Counsel for the applicants who submitted that as the notice for the dissolution of marriage was issued to the informant, and therefore, she lodged the false First Information Report with baseless and general allegations. He submitted that even accepting the allegations as it is, no *prima facie* case is made out against the present applicants, as this First Information Report came to be lodged with the consultation of the lawyer and by taking the legal assistance. He submitted that considering the details given in the First Information Report, it is apparent that with the legal advice, this First Information Report came to be lodged, only to give a counterblast to the proceedings filed by the husband. He invited our attention towards the notice issued by the husband and the proceedings which are filed under the Domestic Violence Act, and submitted that even accepting the allegations as it is, no *prima facie* case is made out, and thus, the applications deserve to be allowed.

6. In support of his contention, he place reliance on ***Achin Gupta Vs. State of Haryana and another, (2025) 3 SCC 756.***

7. Per contra, the learned Additional Public Prosecutor strongly opposed the said contentions and submitted that there are specific allegations as far as the applicants are concerned by giving specific instances. Therefore, the *prima facie* case is made out against the present applicants. He invited our attention towards the recitals of the First Information Report and submitted that, after marriage, she was kept along with other applicants by the husband. She was not taken to resume the cohabitation along with him, though he was serving in Yavatmal. Thereafter, she was ill-treated by demanding the amount. She has specifically narrated the dates when the demand was made by the applicants. As far as the brother-in-law and husband are concerned, there is a specific allegation that on 19/01/2024, they both assaulted her by tearing her clothes. Thus, considering the nature of the ill-treatment at the hands of the present applicants, the application deserves to be rejected.

8. On hearing both the sides and on perusal of the recitals of the First Information Report as far as the husband and the brother-in-law i.e., the applicant No. 2 in Criminal Application (APL) No. 640/2025, namely, Mangesh Vishnu Yewale is concerned, there is

specific allegation as to the assault on 19/01/2024. As far as the applicant in Criminal Application (APL) No. 732/2025, who is the husband of the informant, is concerned, she has narrated the dates and specific instances regarding the demand of the amount and the ill-treatment at the hands of the husband. Thus, *prima facie* case is made out as far as the applicant in Criminal Application No. 732/2025, Rajkiran Vishnu Yewale, and the applicant No.2 in Criminal Application 640/2025, Mangesh Vishnu Yewale, is concerned.

9. Coming to the aspect of the role of the other applicants are concerned, admittedly, they are the members of the family, and therefore they appear to have been implicated in the alleged offence. After considering the entire First Information Report, which is on record, it shows that, accept the general and baseless allegations, no specific instances are narrated as far as the role is concerned. There is no specific allegation that they have either demanded the amount, for that purpose they have ill-treated her. Moreover, there is nothing on record to show what type of ill-treatment was at the hands of the rest of the applicants.

10. Learned Counsel for the applicants placed reliance on the decision of ***Achin Gupta*** (supra), wherein also Hon'ble Apex Court has interpreted the provisions and by referring the judgment of ***State of Haryana and others Vs. Bhajanlal and others, 1992 Supp (1) SCC 335***, given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised:

“(1) where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused:

(2) where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code:

(3) where the uncontroverted allegations made in the

FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused;

(4) where the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code;

(5) where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused;

(6) where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party;

(7) where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

11. The Hon’ble Apex Court further referred the judgment of ***Neeharika Infrastructure (P) Ltd. V State of Maharashtra (2021) 19 SCC 401***, and observed that quashing of FIR is an exception rather

than an ordinary rule and the High Court should exercise the powers under Section 482 of the Cr.PC. sparingly with circumspection.

12. Taking into consideration the above facts and circumstances of the present case in the light of the law settled, the present case as far as the applicants, Nanda Vishnu Yewale, mother-in-law, Priyanka Mangesh Yewale, wife of Mangesh applicant No.2, and applicant No.4, Raksha Rajeshrao Pande, and applicant No. 5, Rajeshrao Baburao Pande are concerned, against whom the general and vague allegations are levelled, and no particulars as to their role has been stated by the informant. The parameters laid down by the Hon'ble Supreme Court mandate that in a case where from the bare reading of the allegations in the FIR no cognizable offence is made out or it has been lodged to wreak vengeance then the High Court may intervene. The veracity of the allegations levelled by the complainant can be assessed only after a thorough investigation and thereafter by the trial court on the basis of the evidence led before it. This aspect is further considered 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 clearly 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 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 is 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.”

13. At this stage, reference can be given to 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."

14. The careful scrutiny of the section and the allegations levelled against the applicants is concerned, as far as the applicant,s husband and brother-in-law, Mangesh Vishnu Yewale, is concerned, against whom specific allegations are levelled, therefore *prima facie* case is made out against them. But as far as other applicants are concerned, against whom the general and baseless allegations are levelled. It is a matter of common experience that most of these complaints under Section 498-A of the Indian Penal Code are filed by the informant against all the relatives merely because they are family members. Without narrating any specific instances, it became

a tendency to implicate all the family members in such type of crime.

15. This observation is also made by the Hon'ble Apex Court in the case of *Dara Lakshmi Narayana Vs. State of Telangane, MANU/SC/1309/2024*, has made it clear 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.

16. By applying the above well settled law settled by the Hon'ble Apex Court and the facts and circumstances of the present case, admittedly, a *prima facie* case is made out against the applicant, the husband Rajkiran Vishnu Yewale, and the applicant No. 2, Mangesh Vishnu Yewal, in Criminal Application No.640/2025. Therefore, their prayer for quashing the First Information Report deserves to be rejected. As far as the other applicants are concerned, i.e. applicant Nos. 1, 3 to 5, in application No. 640/2025, the prayer of quashing of the First Information Report deserves to be allowed accordingly. Accordingly, we proceed to pass the following order:

ORDER

- i) The application Criminal Application (APL) No. 732 of 2025 is hereby rejected.
- ii) Criminal Application (APL) No. 640/2025 is partly allowed.
- iii) The First Information Report in connection with Crime No. 0284/2025, registered under Section 498-A read with Section 34 of the Indian Penal Code, is quashed and set aside against the applicant Nos.1 – Nanda wd/o Vishnu Yewale, 3 – Priyanka w/o Mangesh Yewale, 4 – Raksha w/o Rajeshrao Pande, 5 – Rajeshrao

Baburao Pande.

17. Both the applications are disposed of in the above said terms.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..