



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

CRIMINAL APPLICATION (APL) NO. 751 OF 2025

(Kiran S/o Dilip Bansod & Anr.

Vs.

State of Maharashtra, Thr. P.S.O. Anjangaon Surji, Dist. Amravati &
 Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V.S. Giramkar, Advocate for the Applicants.

Mr. Neeraj Jawade, APP for the Non-applicant No.1/State.

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

DATED : 11th NOVEMBER, 2025

1. The present Application is preferred by the Applicants for quashing of the FIR in connection with Crime No.54/2024 registered with Police Station, Anjangaon Surji, District Amravati under Sections 498-A, 323, 504, 506 of the Indian Penal Code.

2. The Applicant No.1 is the brother-in-law and the Applicant No.2 is the sister-in-law of the Informant.

3. The crime is registered on the basis of the report lodged by the Non-applicant No.2/Informant on an allegation that her marriage was performed with the co-accused on 22.05.2017. After marriage she resumed the cohabitation at the house of the in-laws but she was not treated well and she was subjected for physical as well as mental cruelty, and therefore, she was constrained to leave the matrimonial

house. On the basis of the said report Police have registered the crime against the present Applicants.

4. Heard learned Counsel for the Applicants, who submitted that, as far as the present Applicants are concerned who are residing abroad i.e. at Sharjah they are not at all concerned with the ill-treatment, and therefore, it is clear that merely because they are the brother and sister of the co-accused they are implicated in the alleged offence. Moreover, the allegations levelled against them are general and omnibus in nature. In view of that, the FIR and the consequent proceeding arising out of the same bearing R.C.C. No.64/2025 be quashed and set aside.

5. Learned APP strongly opposed the said Application on the ground that considering the allegations levelled against the present Applicants *prima facie* case is made out, and therefore, deserves to be rejected.

6. On hearing both the sides and on perusal of the investigation papers, there is no dispute that the Applicants are residing at Sharjah, U.A.E. The recitals of the FIR also nowhere shows that at any point of time the Informant stayed alongwith them in the matrimonial house. The allegations levelled against them appears to be general and omnibus in nature. The FIR on record nowhere depicts that any specific instances are narrated by the Informant as far as the ill-treatment at the hands of the present Applicants are concerned.

7. At this stage, reference can be given to the

observations made by the Hon'ble Apex Court in the case of ***Preeti Gupta and another Vs. State of Jharkhand, reported in (2010) 7 SCC 667***, wherein the Apex Court observed in para 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 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.

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.”

8. The Hon'ble Apex Court in the case of ***Kahkashan Kausar Vs. State of Bihar, reported in (2022) 6 SCC 599***, by considering the various decisions, rendered by the Hon'ble Apex Court in the subject matter, observed in para.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. The another observation of the Hon’ble Apex Court in the case of ***Kahkashan Kausar alias Sonam and others Vs. State of Bihar and others, reported in (2022) 6 SCC 599***, wherein it is held that it must be borne in mind that although the two F.I.Rs. may constitute two independent instances, the present complaint fails to establish specific allegations against the in-laws. Allowing prosecution in the absence of clear allegations against the appellant’s in-laws would simply result in an abuse of the process of law.

10. In view of the observation of the Hon’ble Apex Court in the case of ***Dara Lakshmi Narayana Vs. State of Telangana, (2025) 3 SCC 735***, wherein it is held 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.

11. In the light of the above observations of the Hon'ble Apex Court it is apparent that the present Applicants are implicated merely because they are the brother and sister of the husband of the Informant on the basis of the general and omnibus allegations. Considering no *prima facie* case is made out and forcing them to face the trial would be the abuse of process of law. In view of that, the Application deserves to be allowed. Accordingly, we proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The First Information Report in connection with Crime No. 54/2024 registered with Police Station, Anjangaon Surji, District Amravati under Sections 498-A, 323, 504, 506 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No.64/2025, are hereby quashed and set aside to the extent of present Applicants.

12. Pending application/s, if any, shall stand disposed of accordingly.

(NANDESH S. DESHPANDE, J.) (URMILA JOSHI-PHALKE, J.)