



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

CRIMINAL APPLICATION (APL) NO. 848 OF 2025

(Mamta Ganesh Kaithwas

Vs.

State of Maharashtra, Thr. Police Station Wardha & 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. K.S. Ghatate, Advocate for the Applicant.

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

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

DATED : 24th NOVEMBER, 2025

1. The present Application is preferred by the Applicant for quashing of the FIR in connection with Crime No.882/2022 registered with Police Station, Wardha for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code and Sections 3, 4 of the Dowry Prohibition Act and the consequent proceedings arising out of the same bearing R.C.C. No.810/2022.

2. The Applicant is the sister-in-law of the Informant/Non-applicant No.2.

3. The crime is registered on the basis of the report lodged by the Informant on an allegation that her marriage was performed on 18.02.2022 with Dinesh Kaithwas and after marriage she resumed the cohabitation. Her husband was

serving at Pune and he has not taken her alongwith him at the place of his job and after his departure from home, her in-laws including the present Applicant harassed her for one or the other reasons. It is further alleged that, she was taunted by all the members of the family, and therefore, she constrained to leave the matrimonial house. On the basis of the said report Police have registered the crime against the present Applicant.

4. Heard learned Counsel for the Applicant, who submitted that, except the sentence that the Informant was illtreated by all the members of the family including the present Applicant for one or the other reason, there is absolutely no material to establish that the present Applicant has illtreated and treated her with cruelty or demanded any money. He Submitted that, the ingredients of the offence punishable under Section 498-A of IPC are not made out. In view of that, the Application deserves to be allowed.

5. Learned APP strongly opposed the said contention and submitted that considering the statements of the witnesses *prima facie* case is made out, hence Application deserves to be rejected.

6. Despite placing the appearance on record none appears for the Non-applicant No.2.

7. Heard learned Counsel for the Applicant and learned APP for the State. Perused the entire investigation papers it appears that, admittedly on the basis of omnibus and general allegations the Applicant being the sister-in-law

of the Informant (wife of the husband's brother), the Applicant is arraigned as an accused. There are no specific instances mentioned by the Informant as far as ill-treatment at her hands is concerned. It is apparent that, merely because she is one of the family member she appears to have implicated in the present crime. Considering the nature of the offence as no *prima facie* case is made out, the Application deserves to be allowed. In view of that, we proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The First Information Report bearing Crime No. 882/2022 registered with Police Station, Wardha for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code and Sections 3, 4 of the Dowry Prohibition Act and the consequent proceedings arising out of the same bearing R.C.C. No.810/2022 pending before the Judicial Magistrate First Class and Civil Judge Junior Division, Wardha, are hereby quashed and set aside, to the extent of present Applicant.

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

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