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

CRIMINAL APPLICATION (APL) NO. 935 OF 2025

1. Anurag Vilasrao Akolkar
Aged about 34 years,
Occ. Service
2. Sau. Seema Vilas Akolkar
Aged about: 55 years,
Occ. Housewife
Both R/o. New Vaishali Colony,
New Ganesh Vihar, Amravati,
Tq. & District Amravati

// V E R S U S //

1. The State of Maharashtra,
Through its Police Station Officer,
Police Station Morshi
Amravati (Rural)Tq. Morshi,
District Amravati

2. Sau. Pranita Anurag Akolkar,
Aged about 30 years,
Occupation :Housewife
R/o Lakhanwadi Tq. Chandur
Bazar, Dist. Amravati, NON-APPLICANTS

Mr S.M. Vaishnav Advocate for the applicants.
Ms Shamsi Haider, APP for non-applicant No. 1/State.
Mr. P.A. Gode, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J. AND
NANDESH S. DESHPANDE, JJ.
DATED : 22.09.2025

O R A L J U D G M E N T : (PER : URMILA JOSHI PHALKE, J.)

1. Heard.

2. **RULE.** Rule made returnable forthwith. Taken up for final disposal with the consent of learned counsel for the parties.

3. The present application is preferred by the applicants for quashing of the First Information Report in connection with Crime No.28/2024 dated 16.01.2025 registered under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and consequent proceeding bearing RCC No.62/2025.

4. The crime is registered on the basis of the report lodged by on an allegation that the marriage of the informant was performed with applicant No.1 in the year 2021 and after marriage she resumed the cohabitation at the house of the present applicants. But she was not treated well. It is alleged that applicant No.1 used to beat her, abused her on the instigation of applicant No.2. On the basis of the said report police have registered the crime against the present applicant.

5. Heard learned counsel for the applicants. Learned counsel for the applicants not presses application for applicant No.1. Therefore, only the prayer for applicant No.2 requires to be considered. He submitted that general and omnibus allegations is levelled against applicant No.2. No prima-facie case is made out against her. Merely because she is mother of applicant No.1 she is implicated in the alleged offence and no purpose would be served by forcing her to face the trial. Therefore, the application deserves to be allowed.

6. Learned APP for the State strongly opposed for the same and invited our attention towards the various statements of the witnesses and submitted that the statements of the witnesses sufficiently shows the involvement of the present applicant No.2 in the alleged offence and therefore, application deserves to be rejected.

7. Learned counsel for non-applicant No.2 endorsed the same contentions and invited our attention towards statements of the witnesses namely Jyotsana Raju Tayade and Raju Panjabrao Tayade who are relatives of applicant No.2 and submitted that

from their statements also the specific allegation are leveled against applicant No.2 and therefore, prima-facie case is made out against present applicant No.2. In view of that application deserves to be hereby rejected.

8. On hearing both sides and perusal of the recitals of the First Information Report and the other investigation papers, as well as statements of the various witnesses it is revealed that against husband there is the specific allegation that he has ill-treated, assaulted and abused the informant. General and omnibus allegations is levelled against the applicant No.2 that on her instigation he was humiliating, abusing and insulting the informant.

9. Thus, the statement which are recorded during investigations are omnibus and stereotyped nature about ill-treatment at the hands of the applicant No.2 is concerned. At this stage reference can be given to the decision of 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.*

10. In another case of ***Kahkashan Kausar @ Sonam and ors. vs The State Of Bihar and ors.*** reported in ***2022 (6) SCC 599*** *wherein also* 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."*

11. Recently the Hon'ble Apex Court has considered this aspect in the case of ***Mangeram Vs. State of Madhya Pradesh*** reported in ***Manu/SC/1066/2025.*** It is further held by referring the judgment in case of ***Dara Laxmi Narayana Vs. State of Telangana reported in Manu/SC/1309/2024*** that family members of the husband ought not to be unnecessarily roped into criminal proceeding arising out of matrimonial discard. 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. also 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.”

12. In the light of the principles laid down by the Hon’ble Apex Court and the facts of the present case are also shows that omnibus and general allegations are levelled against present applicant No.2. In view of that the applicant

No.2 is made out a case for quashing of the FIR as well as charge-sheet.

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

ORDER

(i) The Criminal Application is partly allowed.

(ii) The FIR in connection with Crime No.028/2025 and consequent proceeding bearing RCC No.62/2025 registered with Police Station Morshi District Amravati for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code is hereby quashed and set aside against present applicant No.2 Sau. Seema Vilas Akolkar.

(iii) The application in respect of applicant No.1-Anurag Vilasrao Akolkar is disposed of as not pressed.

14. The criminal application stands disposed of in the above said terms.

Rule accordingly.

Pending applications, if any, also stand disposed of.

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

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Signed by: Mrs. Manisha Shewale
Designation: PA To Honourable Judge
Date: 24/09/2025 10:50:22