



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
CRIMINAL APPLICATION (APL) NO. 1141 OF 2025

(Pratik s/o Ramprasad Khobarkhede & Ors.

Vs.

State of Maharashtra, Thr. PSO, Old City, Akola & 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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Ms. N.P. Dhoke, Advocate h/f Mr. M.V. Rai, Advocate for the Applicants.
 Ms. Swati V. Kolhe, APP for the Non-applicant No.1/State.

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

DATED : 24th DECEMBER, 2025

1. The present Applicant is preferred by the Applicants for quashing of the FIR in connection with Crime No. 406/2025 registered with Police Station, Old City, Akola under Sections 85, 352, 3(5), 115(2) of the Bhartiya Nyaya Sanhita (BNS), 2023 and the consequent proceeding arising out of the same bearing C.C. No.1175/2025 pending before the Judicial Magistrate First Class, Akola.

2. The Applicant No.1 is the husband, Applicant Nos.2 and 3 are the in laws and Applicant Nos.4 and 5 are the sister-in-law.

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 Applicant No.1 on 29.11.2021. After marriage she resumed the cohabitation but the Applicant No.1 was demanding Rs. 2 Lakhs from her parents and other Applicants were also instigating him and on that instigation she was illtreated by the Applicant No.1. 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 husband is concerned general allegation is levelled that he has demanded the amount and illtreated her but the nature of the ill-treatment or the specific instances as to the demand are not narrated by the Informant. She also invited our attention towards the recitals of the FIR and various statements of the witnesses and submitted that as far as the Applicant Nos. 2 to 5 are concerned, merely because they are the family members of the Applicant No.1, they are implicated. No overt act is attributed to them. In view of that, no *prima facie* case is made out against them, and therefore, the Applicant deserves to be allowed.

5. *Per contra*, learned APP strongly opposed for the same and submitted that, as far as the Applicant No.1 is concerned there is specific allegation that he has demanded the amount of Rs. 2 Lakhs and illtreated her on that count and other Applicants also instigated the Applicant No.1. Thus, considering the *prima facie* material, the Application deserves to be rejected.

6. On hearing both the sides and on perusal of the recitals of the FIR as well as various statements, it reveals that general and omnibus allegations are levelled as far as the Applicant Nos. 2 to 5 are concerned. There is only allegation that they used to illtreat her on the domestic reasons as well as instigating her husband but what type of instigation was there is not narrated by the Informant in the FIR as well as in the subsequent statement.

7. Considering the law laid down as far as the applicability of Section 498-A of IPC (Section 85 of B.N.S.) is concerned, which requires that there has to be a substantial evidence on record to show that there was a willful conduct on the part of the relatives of the husband which constrained the Non-applicant No.2 or the complainant to commit suicide or to cause any grave injury or any grievous hurt. As far as this allegation is concerned, which is not substantiated by any material to show that there was a willful conduct on the part of the present Applicants.

8. Thus, considering the nature of the allegation levelled against the Applicant Nos. 2 to 5 no *prima facie* case is made out against them. There is a recurring tendency now a days to implicate the family members and accordingly implication of Applicant Nos. 2 to 5 appears to be there. The Applicant Nos. 4 and 5 are married long back and residing at a different place. As far as they are concerned there is no occasion for them to illtreat the Informant.

9. The tendency of implicating all the relatives is also commented by the Hon'ble Apex Court in the case of ***Dara Lakshmi Narayana & Ors. Vs. State of Telangana & Ors., MANU/SC/1309/2024***, 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.

10. In view of the observations of the Hon'ble Apex Court, there is sufficient material to ascertain that the Non-applicant Nos.2 to 5 came to be implicated merely because there is a relationship between the Applicant No.1 and the other Applicants. Therefore, the Application deserves to be allowed partly to the extent of Applicant Nos. 2 to 5 are concerned. In view of that, we proceed to pass the following order.

ORDER

- i. The Application is **partly allowed**.
 - ii. The prayer of the Applicant No.1 for quashing of the FIR, is hereby rejected.
 - iii. The prayer of Applicant No.2/Ramprasad s/o Pandurang Khobarkhede, Applicant No.3/Chhaya w/o Ramprasad Khobarkhede, Applicant No.4/Dipali w/o Sudhir Satav and Applicant No.5/Darshika d/o Ramprasad Khobarkhede for quashing of the FIR in connection with Crime No. 406/2025 registered with Police Station, Old City, Akola under Sections 85, 352, 3(5), 115(2) of the Bhartiya Nyaya Sanhita (BNS), 2023 and the consequent proceeding arising out of the same bearing C.C. No.1175/2025 pending before the Judicial Magistrate First Class, Akola, are hereby quashed and set aside.
11. Pending application/s, if any, shall stand disposed of accordingly.

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