



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

CRIMINAL APPLICATION (APL) No.1201 OF 2025

(Akshay Arun Satav and others Vs. State of Maharashtra, through PSO, PS Malegaon, Distt.
Washim and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A.A. Krishnan, Advocate for applicants.
Mr. M.J. Khan, APP for non-applicant No.1.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATE : 15th DECEMBER, 2025.

1. By this application, the applicants are seeking quashing of the First Information Report in connection with Crime No.616/2023 registered under Section 498A, 504, 506, 323 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No.136/2024.

2. The applicant No.1 is the husband and other applicants are the in-laws approached to this Court as the crime is registered on the basis of a report lodged by non-applicant No.2 on an allegations that her marriage performed with applicant No.1 on 7.7.2022. After marriage she resumed cohabitation at the house of present applicants, but she was ill-treated after two months of the marriage on the ground that she is not good looking and the applicant Nos.2 to 5 used to instigate her husband and on that count her husband was ill-treating her physically as well as mentally. She was also

humiliated and insulted by abusing her in a filthy language and, therefore, she constrained to leave the matrimonial house. On the basis of the said report Police have registered the crime against the present applicants.

3. Heard learned counsel for the applicants, who submitted that general and vague allegations are levelled against the applicants merely because there is a dispute between the husband and wife. He submitted that no specific instances are narrated as far as the alleged incident of ill-treatment is concerned. Merely because there is a discord between the husband and wife all the family members are implicated in the alleged offence. Considering the settled principles of law that if no prima facie case is made out, forcing the applicant to face the trial would be an abuse of process of law. In view of that, the application deserves to be allowed.

4. Per contra, learned counsel A.P.P. for the non-applicant No.1 strongly opposed the application and submitted that considering the allegations levelled against the present applicants wherein specific instances are narrated by the informant. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers it reveals that during the investigation the statement of informant as well as other relatives are recorded. Except the specific allegations against all other applicants general allegations are levelled by the informant. It is apparent that they are implicated merely because they are the family members of the applicant No.1. Section 498A of the Indian Penal Code prescribes punishment where a woman is subjected

to cruelty by her husband or his relatives. The offence is punishable with imprisonment for a term which may extend to three years and also provides for fine. The Explanation appended to the provision defined cruelty in two parts : clause (a) refers to willful conduct which is of a such nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to her life, limb or health (whether mental or physical), clause (b) expands the scope of the term to include harassment with a view to coercing the woman or her relatives to meet any unlawful demand for any property or valuable security or on account of failure to meet such demand.

6. In view of the above proposition of law, the facts of the present case are taken into consideration, admittedly general and vague allegations are levelled against the applicant Nots.1 to 5. It is apparent that they are implicated merely because they are the relatives of the applicant No.1. Now, the Apex Court has made it clear in the case of **Dara Laxmi Narayana Vs. State of Telangana, MANU/SC./1309/2024**, that family members of the husband ought not to be unnecessarily roped into criminal proceeding arising out of matrimonial dispute.

7. In view of the above observations of the Hon'ble Apex Court and considering the allegations levelled against the applicant Nos.2 to 5, which is general and vague in nature, the application deserves to be allowed partly. Accordingly, we proceed to pass following order :

ORDER

- (i) The application is allowed partly.
- (ii) The First Information Report in

connection with Crime No.616/2023 registered under Section 498A, 504, 506, 323 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No.136/2024 is hereby quashed to the extent of applicant Nos.2 to 5, namely, (2) Arun Ganpat Satav, (3) Vidya Arun Satav, (4) Pradnya Arun Satav and (5) Neha Sunil Magar.

(iii) The prayer of the applicant No.1/Akshay Arun Satav for quashing of the F.I.R. is hereby rejected.

(iv) The application is disposed of in the abovesaid terms.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)