



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

CRIMINAL APPLICATION (APL) No.1623 OF 2025

(Ramkisan s/o. Bhaurao Johare and others Vs. State of Maharashtra, through PSO, PS
Mehkar, Distt. Buldhana 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. N.R. Raut, Advocate for applicants.
Mrs. Swati Kolhe, APP for non-applicant No.1.
Ms. Naina Dhoke, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.
DATE : 23rd DECEMBER, 2025.

1. The present application is preferred by the applicants for quashing of First Information Report in connection with Crime No.423/2025, registered with Police Station Mehkar, District Buldhana for the offence punishable under Sections 498A, 323, 504 and 506 of the Indian Penal Code.

2. The crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegations that her marriage with applicant No.1 was performed on 25.12.2010. After marriage she resumed the co-habitation. She has begotten two children from the said wedlock. However, she alleged that after the marriage within 2 to 3 months she was ill-treated by the applicant No.1 by demanding the amount for purchasing the plot as well as for constructing the house and she was subjected by physical and mental harassment at the hands of applicant No.1. She alleged that the other applicants

were instigating the applicant No.1 and on their instigation the applicant No.1 was physically and mentally tortured her. On the basis of said report Police have registered the crime against the present applicants.

3. Heard learned counsel for the applicants, who submitted that as far as allegations are concerned which are baseless, general and omnibus, merely because dispute is arose between the husband and wife. He further submitted that the allegations levelled by the informant are general in nature, no specific instances are narrated. There is no overact on the part of the present applicants. In view of that, the application deserves to be allowed.

4. Per contra, learned Additional Public Prosecutor for the non-applicant No.1 and learned counsel for the non-applicant No.2 strongly opposed for the same and submitted that considering the allegations against the applicant No.1 that he has not only ill-treated her physically and mentally but there was an unlawful demand on the part of the applicant No.1. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of the recitals of the First Information Report it reveals that the marriage took place between the applicant No.1 and non-applicant No.2 on 25.12.2010. Thereafter, the two issues were there from the said wedlock and as per the allegations it was the applicant No.1, who was harassing her by demanding the unlawful demand. As far as other applicants are concerned, who are the members of the family only allegations are levelled against them is that they have instigated the applicant No.1 and they were ill-treating her by saying that she is not good looking.

Thus, the allegations against the applicant Nos.2 to 9 appears to be general, vague and omnibus in nature. Considering the ingredients which are required to constitute the offence under Section 498A is concerned, there has to be some overact on the part of the applicants and willful conduct of the applicants which is absent in the present case as far as applicant Nos.2 to 9 are concerned. They appears to be implicated merely because they are the family members of the applicant No.1. Now, it became a recurring tendency to implicate all the family members in the offence like 498A of the Indian Penal Code.

6. Considering nature of the allegations levelled against the applicant Nos.2 to 8 they have made out a case for quashing of the First Information Report. In view of that, 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.423/2025, registered with Police Station Mehkar, District Buldhana for the offence punishable under Sections 498A, 323, 504 and 506 of the Indian Penal Code is hereby quashed to the extent of applicant Nos.2 to 9, namely, (1) Ramkisan s/o. Bhaurao Johare, (2) Bhaurao s/o. Laxman Johare, (3) Nimanbai w/o. Bhaurao Johare, (4) Suresh s/o. Bhaurao Johare, (5) Manju w/o. Suresh Johare, (6) Dipak s/o. Bhaurao Johare, (7) Sunita w/o. Dipak Johare, (8) Kamal w/o Ramkisan More and (9) Vimal w/o. Prabhu Jatale.

(iii) The prayer of the applicant No.1- Ramkisan s/o. Bhaurao Johare for quashing of the First

Information Report is rejected.

(iv) The application stands disposed of.

(Nandesh S. Deshpande, J.)

(Urmila Joshi-Phalke, J.)

Wadode