



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**918 CRIMINAL APPLICATION NO. 4017 OF 2024**

1. Nivas S/o. Tulshiram Chavan (Husband)  
Age-27 years, Occu-Agri,  
R/o. Pimpalkgaon, Kajale Tanda,  
Tq. Jintur, Dist. Parbhani
2. Tulshiram S/o. Prabhu Chavan (Father-in-law)  
Age-60 years, Occu-Agri,  
R/o. Pimpalgaon Kajale Tanda,  
Tq. Jintur, Dist. Parbhani
3. Bebibai W/o. Tulshiram Chavan (Mother-in-law)  
Age-59 years, Occu-Agri,  
R/o. Pimpalgaon Kajale Tanda,  
Tq. Jintur, Dist. Parbhani
4. Kavita Ramesh Rathod (Sister-in-law)  
Age-34 years, Occu- Household,  
R/o. Pimpalgaon Kajale Tanda,  
Tq. Jintur, Dist. Parbhani
5. Ramesh S/o. Rohidas Rathod,  
(Husband of cousin sister-in-law)  
Age-35 years, Occu-Agri  
R/o. Pimpalgaon Kajale Tanda,  
Tq. Jintur, Dist. Parbhani
6. Chakradhar S/o. Tulshiram Chavan  
(Cousin brother)  
Age-23 years, Occu-Agri,  
R/o. Pimpalgaon Kajale Tanda,  
Tq. Jintur, Dist. Parbhani
7. Lila Ravi Rathod (Sister-in-law)  
Age-33 years, Occu-Household,  
R/o. Dongargaon, Tq. Shengaon,  
Dist. Hingoli

8. Ravi S/o. Udhav Rathod,  
(Husband of Cousin sister-in-law)  
Age-33 years, Occu-Agri,  
R/o. Dongargaon, Tq. Shengaon,  
Dist. Hingoli

**VERSUS**

1. The State of Maharashtra  
Through Police Inspector,  
Mantha Police Station,  
Tq. Mantha, Dist. Jalna
2. Komal W/o. Nivas Chavan,  
Age-20 years, Occu-Household,  
R/o. Pimpalgaon Kajale Tanda,  
Tq. Jintur, Dist. Parbhani,  
at present Tokwadi, Tq. Mantha,  
Dist. Jalna

Mr. Yash Mote, Advocate h/f Mr. P. P. More, Advocate for the applicants

Mr. Vishnu Kande, Advocate h/f Mr. Ajinkya Reddy, Advocate for the respondent No.2

Mr. V. S. Badakh, APP for the respondents/State

**CORAM : RAJNISH R. VYAS, J.**

**DATE : 01<sup>st</sup> APRIL, 2026**

**PER COURT :**

1. Challenging the registration of the First Information Report bearing No.342 of 2024 dated 05-07-2024 for commission of offences punishable under Sections 498-A, 323, 504 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act and consequent initiation of criminal prosecution all the accused have approached

this court invoking the inherent jurisdiction of this court.

2. Learned advocate for the applicants submitted that husband as well as in-laws of non-applicant No. 2 though named in First Information Report, role assigned to them is altogether similar and therefore parameters for quashment of the criminal prosecution can be applied in similar manner to all of them. He submitted that vague and omnibus statement would not constitute the offence which are registered against the applicants.

3. Per contra, learned advocate for the non-applicant No. 2 has contended that the First Information Report clearly shows that there is enough material against the present applicants and therefore, they can be put to the trial. He submitted that the allegations are neither general nor vague but are specific. He further contended that powers under Sections 482 of the Cr. P. C. are required to be exercised in exceptional situation.

4. The learned APP has also supported the stand taken by the non-applicant No.2 and has contended that the allegations in the First Information Report attract the ingredients of offences registered and mini trial may not be conducted at this stage.

5. In this background, I have gone through the record of the case and given thoughtful consideration to the arguments

advanced by the respective counsels.

6. Perusal of the First Information Report No. 342/2024 dated 05-07-2024 registered with Mantha Police Station, Dist. Jalna shows that it is lodged for commission of offences under Sections 498-A, 323 and 504 of the Indian Penal Code and Sections 3 and 4 of Dowry Prohibition Act by one Komal in all against eight accused. The present applicants are Niwas is husband, Tulshiram is Father-in-law, Bebibai is mother-in-law, Kavita is sister-in-law, Ramesh is husband of cousin sister-in-law, Chakradhar is cousin brother, Lila is sister-in-law and Ravi is Husband of cousin sister-in-law.

7. It is alleged in the First Information Report that on 07-05-2023 the marriage of the non-applicant no.2 was performed with the accused Nivas. In the marriage, household articles and dowry to the tune of Rs.4 lakhs and gold ornaments of Rs.3 lakhs were given. After marriage, the husband and in-laws treated the non-applicant No.2 properly for 15 days, thereafter, all the accused subjected the non-applicant No. 2 to physical and mental harassment, suspecting the character of non-applicant No. 2.

8. The applicants used to ask the non-applicant No. 2 to bring an amount of Rs.1 lakh from her parents for securing employment for accused -husband. Non-applicant No. 2 replied that

her parents were poor and would not be in a position to pay the said amount. The husband always used to abuse her and assault by means of slap and fist blows. Thereafter, the husband and the in-laws regularly subjected the non-applicant No. 2 to physical and mental harassment and have also kept the gold ornaments of Rs.3 lakhs owned by the non-applicant No. 2 with them. On 25-10-2023, she was driven out of the house.

9. In this background First Information Report was lodged. During the investigation documents were collected so also statement of witnesses came to be recorded. Filing of the charge-sheet resulted into passing order taking cognizance by jurisdictional Magistrate. The charge-sheet shows that non-applicant No.2 has also filed the proceeding under the Protection of Women From Domestic Violence Act on 23-07-2024. Final report further shows that during the course of the investigation statements of witnesses by name Rameshwar-maternal uncle, Raju, is uncle of non-applicant No.2 and Krushna, cousin uncle of the non-applicant No.2 were recorded. If the statement of the aforesaid persons are perused, it would be clear that they have also narrated the incident as narrated by the non-applicant No. 2.

10. At this stage, it is necessary to mention here that the date on which non-applicant No.2 was driven out of the matrimonial

house is 25-10-2023, whereas the First Information Report is lodged on 05-07-2024. There is no explanation for delay in lodging the First Information Report.

11. There is one more fact which is worth noting. On 25-10-2023 statement of non-applicant No. 2 was recorded before the Mediator, since she was referred to the Woman Redressal Cell by the Jintur Police Station. In the statement which is at page No.31, it is stated that since there was quarrel between her and her husband on trifle reason, she has decided to go with her uncle and grand father to her parents' place. It is further mentioned in the said statement that she is not willing to cohabit with the husband. Thus, it is crystal clear that in a statement recorded which is in the first point of time, she has nowhere stated that she was subjected to ill-treatment at the hands of the present applicants.

12. At this stage, learned Advocate for the applicants has relied upon the law laid down by the Hon'ble Apex Court in the case of Maram Nirmala and another Vs State of Telangana and others reported in MANU/SC/1731/2025 more particularly para 14 to 17 which reads as under:

“14. The case at hand pertains to allegations of cruelty and dowry demand made by the respondent No.2 against the appellant(s) herein. A bare perusal of the FIR however, shows that the allegations made by respondent

No.2 are vague and omnibus inasmuch as there is an absence of any specific instance or occasion detailed with particulars wherein the appellant(s) demanded dowry from respondent No.2 and on refusal of the same, subjected her to mental and physical cruelty. The only allegations levelled by respondent No.2 against the appellants herein are that subsequent to the birth of her daughter, the conduct of her husband underwent a change, which is stated to have been on account of the alleged inducement exercised by the in-laws including the appellant(s) herein for the purpose of demanding additional dowry and that pursuant to the counselling conducted at the Women Police Station, Nalgonda, although the husband of respondent No.2 and his family assured that she would be treated properly, they nevertheless continued to subject respondent No.2 to mental and physical cruelty.

15. We therefore find that the aforesaid allegations levelled against the appellant(s), even if taken at their face value, do not prima facie disclose the commission of the alleged offences so as to warrant the initiation of criminal proceedings.

16. During the course of submissions, learned counsel for the appellant(s) brought to our notice the judgment of this Court in the case of *Dara Lakshmi Narayana vs. State of Telangana*, (2025) 3 SCC 735 (“*Dara Lakshmi Narayana*”) as well as other judgments which squarely apply to this case. We have perused the same.

17. This Court speaking through one of us (B.V. Nagarathna, J.) in *Dara Lakshmi Narayana*, while dealing with the issue of quashing of criminal proceedings instituted by the respondent wife therein against her husband and in-laws who were charged with offences punishable under [Sections 498A](#) of the IPC and [Sections 3](#) and [4](#) of the DP Act, 1961, held as follows:

“27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well- recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the

husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

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30. The inclusion of [Section 498-A](#) IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498-AIPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinised, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke [Section 498-A](#) IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

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31. We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been

contemplated under [Section 498-A](#) IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant, husband of the second respondent herein, a complaint under [Section 498-A](#) IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.

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34. We, therefore, are of the opinion that the impugned FIR No. 82 of 2022 filed by Respondent 2 was initiated with ulterior motives to settle personal scores and grudges against Appellant 1 and his family members i.e. Appellants 2 to 6 herein. Hence, the present case at hand falls within Category (7) of illustrative parameters highlighted in [Bhajan Lal \[State of Haryana v. Bhajan Lal, 1992 Supp \(1\) SCC 335 : 1992 SCC \(Cri\) 426\]](#) . Therefore, the High Court, in the present case, erred in not exercising the powers available to it under Section 482CrPC and thereby failed to prevent abuse of the Court's process by continuing the criminal prosecution against the appellants.” (underlining by us)

13. Gist of the aforesaid judgment is that the accused persons cannot be tried on the basis of vague and omnibus statement. Generalised allegations during matrimonial conflict, if not scrutinized will lead to the misuse of the legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family.

14. Learned Advocate for the applicants has also invited my attention to the judgment delivered by the Hon'ble Apex Court in the case of Sushil Kumar Purbey and another Vs State of Bihar and others reported in MANU/SC/0206/2026 more particularly para 7 which reads as under:

*“7. Having considered the submissions advanced by the parties and upon a careful perusal of the material on record, we are of the view that the High Court fell into error in restricting the quashing of criminal proceedings only to the sister-in-law (respondent no.3). A comparative reading of the FIR reveals that the allegations levelled against the sister-in-law and those against the present appellants are, in all material particulars, identical. The FIR does not assign any specific or overt act to either appellant; there are no particular dates, places, or individual acts attributed to them. The lone allegation that stands separately against the present appellants is that they would quarrel. This, however, does not constitute a criminal offence and cannot, by itself, sustain cognizance of the offences under Sections 341, 323, 498A & 34 of the IPC and Sections 3 & 4 of the Dowry Act for which the appellants have been summoned. The standard applied by the High Court in quashing proceedings against the sister-in-law, on the ground that the allegations against her were general and omnibus, applies with equal force to the present appellants, and there is no principled basis for distinguishing between them.”*

15. Gist of the aforesaid judgment can be said to be that the absence of any specific overt act to the accused, absence of particularly date, place would not be enough to attract the ingredients of offences.

16. The learned Advocate for the applicants has also tendered a copy of pursis dated 01-04-2026 which is taken on record and marked 'X' for identification. Relying upon the same he submitted that husband has preferred HMP No. 42/2022 before the Civil Judge, Senior Division, Parbhani against non-applicant No.2 praying for decree of divorce. He has brought my attention to para 3 of the aforesaid judgment and contended that though respondent wife was duly served with the notice of petition as well as notice on application for amendment therein, she did not turn up. He then submitted that the issues were framed by the learned court at page No. 9 of the said judgment and one of the issues was whether the petitioner/husband proved that respondent wife subjected him to the cruelty which was answered in affirmative.

17. He then submitted that the court of Civil Judge Senior Division, Parbhani on 27-03-2025 dissolved the marriage between the applicant Nivas and the non-applicant Komal taking recourse of Section 13 (1) (i-a) of the Hindu Marriage Act, 1955. The decree of divorce which is passed against the non-applicant No.2 is also additional factor which is required to be taken into consideration. The discussion made above, would reveal that there is neither prima facie case against the present applicants nor any specific allegations nor enough material to allow the prosecution to continue. In the

peculiar facts and circumstances of the case and in view of the discussion made, continuation of prosecution would not be in the interest of justice and therefore, following order is passed:

**ORDER**

- a] The application is allowed.
- b] The FIR bearing No.342/2024 dated 05-07-2024 registered with Mantha Police Station, the charge-sheet No.170/2024 dated 30-09-2024 submitted before Judicial Magistrate First Class, Mantha, the order dated 14-10-2024 passed in RCC No.220/2024 by Judicial Magistrate First Class, Mantha stand quashed and set aside to the extent of present applicants.

**[RAJNISH R. VYAS, J. ]**