



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4526 OF 2024

1. Pawan Sambhaji Pawar (husband)
(Disposed of as withdrawn vide order dt.19/11/2024)
 2. Kavita Sambhaji Pawar (mother-in-law)
Age- 54 years Occ. Household
R/o. At post Kamthala Ta. Kinwat, District Nanded.
 3. Pratik Sambhaji Pawar (brother-in-law)
Age- 27 years Occ. Student.
R/o- At post Kamthala Ta. Kinwat, District Nanded.
 4. Sarika Sambhaji Pawar (sister-in-law)
Age- 33 years Occ. Household.
R/o- At post Kamthala Ta. Kinwat, District Nanded.
 5. Vaynkat Baburao Gunjkar .
Age- 35 years Occ. Private service.
R/c at Loni, Ta. Kinwat, Dist. Nanded.
 6. Rekhabai Uttamrao Jadhav
Age- 38 years Occ. Household.
R/o 1/236, at post Kothari Chikhali, Ta. Kinwat,
Dist. Nanded.
 7. Uttamrao Raybhan Jadhav
Age-44 years occ. Labourer.
R/o H. no. 236, Ward no. 1, at post Kothari
Chikhali, Ta. Kinwat Dist. Nanded.
- ..APPLICANTS

VERSUS

1. State of Maharashtra
Through its investigation officer,
Police station Islapur, Dist. Nanded.
 2. Sapan W/o Pawan Pawar
Age- 29 years. Occ. Household/ Stitching/Parlor,
R/o Shivshristi Park, Lane No. 4,
Gatha Mandir Bypass Road, Talwade, Pune.
Now R/o Shivani Ta. Kinwat Dist. Nanded.
- ..RESPONDENTS

....
 Mr. Abid R. Shaikh, Advocate for applicants
 Mr. S.N. Morampalle, A.P.P. for respondent no.1 - State

CORAM : RAJNISH R. VYAS, J.
DATE : 01st APRIL, 2026

PER COURT :

. The relatives of the original Accused No.1 / husband have invoked powers under Section 482 of the Code of Criminal Procedure, challenging the criminal prosecution initiated against them at the instance of Respondent No.2 / wife through F.I.R. No. 127 of 2024 dated 10th September, 2024, registered with Islapur Police Station, Dist. Nanded for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code (hereinafter referred to as 'I.P.C.'). The challenge is also to the order-taking cognisance/order-issuing process dated 13th December, 2024, passed by the J.M.F.C., Kinwat.

2. Praying for quashment, learned counsel for the applicants has submitted that so far, as regards the original accused, no.1 / husband, his application is already not pressed, and now the prayer is restricted to the other accused, i.e. Applicant Nos. 2 to 7. Applicant No.2 is the mother-in-law, Applicant No.3 is the brother-in-law, Applicant No.4 is the sister-in-law, Applicant No.5 is the husband of Applicant No.4, Applicant No.6 is the sister-in-law, and Applicant No.7 is the husband of Applicant No.6.

3. Learned counsel for the applicants has argued the following points:-

- (I) Perusal of the final report fails to make out any case, so far as relatives of the husband are concerned;
- (II) Original accused no.1/husband and Respondent No.2 started residing separately at Pune from 2015;
- (III) Though Respondent No.2 has been residing with her parents since 26th August, 2024, the F.I.R. was lodged on 10th September, 2024;
- (IV) Prima facie offence is not made out against the present applicants;

4. Per contra, learned A.P.P. has contended as under :-

- (I) The final report clearly makes out the case against the present applicants;
- (II) Mini-trial at this stage is not permissible;

5. With the help of respective counsels, I have gone through the record of the case. Though the office note shows that Respondent No.2 is duly served, none appears for her.

6. F.I.R. dated 10th September, 2024 was lodged at the instance of Respondent No.2, who has contended that her marriage was solemnized on 14th May, 2015 with original accused no.1 and on 15th May, 2015 her mother-in-law as well as brother-in-law / Pratik, sister-in-law / Sarika have assaulted her on the count that in the marriage sufficient amount towards dowry was

not given to them and they did not like her. It was alleged that these persons thereafter snatched the mangalsutra. The next day, when she returned to her parents' house, her parents learned of the aforesaid fact.

7. On 18th May, 2015, Respondent No.2 came to her matrimonial home along with her husband at Kamthala, but there were also other persons who quarrelled with her. It was further alleged in the F.I.R. that on 19th May, 2015, she went to Pune to reside with her husband, and that till 2019 she resided happily with him. Brother-in-law / Pratik, at the relevant time, was taking an education in an engineering course and was residing with them and for some trivial reasons, mother-in-law, brother-in-law / Pratik, and sister-in-law / Sarika came to Pune and assaulted her when her husband was also present.

8. According to the F.I.R., since the year 2020, the original accused no.1 used to beat Respondent No.2 continuously, and also harassed her mentally and physically. Respondent No.2 alleged that on 26th August, 2024, her husband fled away with one lady, and before that, she was also beaten. She alleged that since that time, she has been residing with her parents. Finally, she requested that since all the applicants have demanded Rs. 5 lakh for purchasing the car and as the said demand was not fulfilled, she was subjected to physical and mental harassment, and appropriate action be taken. A request was also made in the F.I.R. that, as Vyankat Gunjkar, Rekha

Jadhav and Uttam Jadhav have also subjected her to physical and mental harassment by giving continuous threats, action be taken against them. It is in this background that criminal law was set in motion.

9. It is not in dispute that the marriage of Respondent No.2 and original accused no.1 was solemnised on 14th May, 2015. Since 19th May, 2015, she started residing at Pune along with the original accused no.1. It is alleged that on 15th May, 2015, her mother-in-law, brother-in-law and sister-in-law assaulted her for not bringing the dowry and also snatched her Mangalsutra. Respondent No.2 has been residing at her parents' place since 26th August, 2024, whereas the F.I.R. was lodged on 10th September, 2024.

10. So far as other allegations are concerned, it is stated by Respondent No.2 that on some trifling reasons, mother-in-law, brother-in-law / Pratik and sister-in-law / Sarika came to Pune and assaulted her. Thus, the version narrated by Respondent No.2 would clearly reveal that the allegations, qua aforesaid three persons are concerned, are totally vague and omnibus. Delay in lodging the F.I.R. may not go to the root of the matter in all cases, but it would be one of the factors that needs to be considered while deciding the prayer for quashment. It is a settled position that in matrimonial disputes, allegations against the relatives of husband are required to be scrutinised with care, particularly when they are general and omnibus in nature. The fact that the original accused no.1 and Respondent No.2 were

residing separately at Pune from 19th May, 2015, where she was treated properly by her husband till 2019, prima facie shows that the present applicants had no involvement in the day-to-day life of the husband and wife. As far as the allegations against Vyankta Gunjkar, Rekha Jadhav, and Uttam Jadhav are concerned, they are bereft of specific details. Except for saying that they have also subjected Respondent No.2 to harassment by threatening, nothing more is brought on record. The statements of witnesses pointed out by learned counsel for the applicants also show that they have an advanced version, as advanced by Respondent No.2.

11. At this stage, learned counsel for the applicant has rightly relied on the law laid down by the Hon'ble Apex Court in the case of ***Preeti Gupta and Anr. Vs. State of Jharkhand and Anr., 2010 AIR (SC) 3363***, more particularly following paragraphs :-

“17. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection. Experience reveals that long and

protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful. Before parting with this case, we would like to observe that a serious relook of the entire provision is warranted by the legislation. It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases.

18. *The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be able to wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law. We direct the Registry to send a copy of this judgment to the Law Commission and to the Union Law Secretary, Government of India who may place it before the Hon'ble Minister for Law & Justice to take appropriate steps in the larger interest of the society.”*

12. He also relied on the judgment of the Hon'ble Apex Court in the case of ***Kahkashan Kausar @ Sonam and Ors. Vs. State of Bihar and Ors., 2022 AIR (SC) 820***, more particularly following paragraph :-

“12. Before we delve into greater detail on the nature and content of allegations made, it becomes pertinent to mention that incorporation of Section 498A of Indian Penal Code was aimed at preventing cruelty committed upon a woman by her husband and her in-laws, by facilitating rapid state intervention.

However, it is equally true, that in recent times, matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as 498A Indian Penal Code as instruments to settle personal scores against the husband and his relatives.

13. This Court in its judgment in Rajesh Sharma and Ors. v. State of U.P. and Anr. (2018) 10 SCC 472, has observed:

“14. Section 498-A was inserted in the statute with the laudable object of punishing cruelty at the hands of husband or his relatives against a wife particularly when such cruelty had potential to result in suicide or murder of a woman as mentioned in the statement of Objects and Reasons of the Act 46 of 1983. The expression 'cruelty' in Section 498A covers conduct which may drive the woman to commit suicide or cause grave injury (mental or physical) or danger to life or harassment with a view to coerce her to meet unlawful demand.

It is a matter of serious concern that large number of cases continue to be filed under already referred to some of the statistics from the Crime Records Bureau. This Court had earlier noticed the fact that most of such complaints are filed in the heat of the moment over trivial issues. Many of such complaints are not bona fide. At the time of filing of the complaint, implications and consequences are not visualized. At times such complaints lead to uncalled for harassment not only to the Accused but also to the complainant. Uncalled for arrest may ruin the chances of settlement.”

14. Previously, in the landmark judgment of this Court in Arnesh Kumar v. State of Bihar and Anr. (2014) 8 SCC 273, it was also observed:

“4. There is a phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-A Indian Penal Code

was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives.

The fact that Section 498-A Indian Penal Code is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In a quite number of cases, bed-ridden grandfathers and grand-mothers of the husbands, their sisters living abroad for decades are arrested.”

15. Further in Preeti Gupta and Anr. v. State of Jharkhand and Anr. : (2010) 7 SCC 667, it has also been observed:

“32. It is a matter of common experience that most of these complaints Under Section 498A Indian Penal Code are filed in the heat of the moment over trivial issues without proper deliberations. We come 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 are also a matter of serious concern.

33. The learned Members of the Bar have enormous social responsibility and obligation to ensure that the social fiber of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned Members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint Under Section 498A as a basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fiber, peace and tranquility of the society remains intact. The members of the

Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, Accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of amicable settlement altogether. The process of suffering is extremely long and painful.”

16. In Geeta Mehrotra and Anr. v. State of U.P. and Anr. : (2012) 10 SCC 741, it was observed:

“21. It would be relevant at this stage to take note of an apt observation of this Court recorded in the matter of G.V. Rao v. L.H.V. Prasad and Ors. reported in (2000) 3 SCC 693 wherein also in a matrimonial dispute, this Court had held

that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside. Their Lordships observed therein with which we entirely agree that:

“there has been an outburst of matrimonial dispute in recent times. Marriage is a sacred ceremony, main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as Accused in the criminal case.”

There are many reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate the disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their cases in different courts." The view taken by the judges in this matter was that the courts would not encourage such disputes.”

17. Recently, in K. Subba Rao v. The State of Telangana (2018) 14 SCC 452, it was also observed that:

“6. The Courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out.”

18. The above-mentioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498A Indian Penal Code 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.

19. Coming to the facts of this case, upon a perusal of the contents of the FIR dated 01.04.19, it is revealed that general allegations are levelled against the Appellants. The complainant alleged that 'all Accused harassed her mentally and threatened her of terminating her pregnancy'. Furthermore, no specific and distinct allegations have been made against either of the Appellants herein, i.e., none of the Appellants have been attributed any specific role in furtherance of the general allegations made against them.

This simply leads to a situation wherein one fails to ascertain the role played by each Accused in furtherance of the offence. The allegations are therefore general and omnibus and can at best be said to have been made out on account of small skirmishes. Insofar as husband is concerned, since he has not appealed against the order of the High court, we have not examined the veracity of allegations made against him. However, as far as the Appellants are concerned, the allegations made against them being general and omnibus, do not warrant prosecution.”

13. He further relied upon the judgment delivered by the Hon’ble Apex Court in the case of ***State of Haryana and Others Vs. Ch. Bhajan Lal and Others, 1992 AIR 604***, dealing with the parameters for quashing a criminal prosecution, held that if prima facie material is not found on perusal of the final report, the criminal prosecution can be quashed. Perusal of the record of

the case to ascertain whether prima facie case exists, cannot be termed as conducting a mini-trial.

14. If the story advanced by the prosecution is tested in the background of the law laid down by the Apex Court, it would be crystal clear that continuation of prosecution against the present applicants would be an abuse of the process of law, since a prima facie case is not established. In that view of the matter, I am inclined to pass the following order:-

ORDER

- (I) Criminal application is allowed.
- (II) F.I.R. No. 127 of 2024 dated 10th September, 2024 registered with Islapur Police Station, Dist. Nanded for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code and R.C.C. No. 159 of 2024 and consequent order taking cognisance/order issuing process dated 13th December, 2024, passed by the J.M.F.C., Kinwat, are hereby quashed and set aside, qua Applicant Nos. 2 to 7.
- (III) Trial to proceed against original Accused No.1 / husband.

(RAJNISH R. VYAS, J.)

SSD