



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.40 OF 2025**

- 1) Vaibhav Dnyeshwar Dalavi (Husband)
Age: 32 years. Occu: Service,
R/o Chiswick Police Station, 205. 207.
- 2) Laxmibai Dnyeshwar Dalavi (Mother in law)
Age: 60 years. Occu: Household,
R/o Station Road, Agarkar Mala,
ZP Colony Tq. and Dist. Ahmednagar
- 3) Ashwini Amol Shinde (Sister in law)
Age: 35 years. Occu: Household
- 4) Amol Machindra Shinde (Husband of Sister in Law)
Age: 40 years occ: Business

Applicant No. 3 and 4 are
R/o Kativan Khnadoba Road,
Tawkal Wastad Mala, Dattanagar,
Ahmednagar Tq. and Dist. Ahmednagar

- 5) Laxaman Chimaji Shinde (Maternal Uncle)
Age: 67 years. Occu: Agri
R/o Burode mala, Saveli Road.
Ahmednagar Tq. and Dist. Ahmednagar
- 6) Vaishali Sachin Davali (Wife of Brother in Law)
Age: 34 years. Occu: House Wife
R/o Flat 18 8, Queensmead,
Farnborough, Hampshire, GU 14 7 GN

..Applicants
(Orig. Accused)

Versus

1. The State of Maharashtra
Through police station
M. I. D. C. Waluj Police Station.
Chh.Sambhajinagar Tq. and
Dist. chh.Sambhajinagar
2. Kalyani Vaibhav Dalavi,
Age: 27 years, Occu. Job,
At Present R/o at Ashvamedh Housing Society,
Bajajnagar Tq. and Dist.chh.Sambhajinagar

..Respondents
(Resp. no. 1 ori. complainant)

...
Mr. Y. S. Choudhary, Advocate for Applicants.
Mr. S. D. Ghayal, APP for Respondent-State.
Ms. S. R. Kasture, Advocate for Respondent No.2.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 16th APRIL, 2026.

JUDGMENT:-

1. The applicants seeks quashment of FIR No.913/2023 dated 02.11.2023 registered with MIDC Waluj Police Station, Dist. Chhatrapati Sambhajanagar for offence punishable under Sections 498-A, 323, 504, 506 r/w 34 of Indian Penal Code and consequential proceeding in R.C.C. No.839/2024 pending before Judicial Magistrate First Class, Chhatrapati Sambhajanagar.

2. On 03.03.2025, at first hearing of this application, application came to be dismissed to the extent of applicant nos.1 and 2 i.e. husband and mother-in-law of respondent no.2. Therefore, present application is pressed into service for applicant nos.3 to 6 only i.e. sister-in-law, husband of sister-in-law, maternal uncle and wife of brother-in-law.

3. The investigation was set in motion on the basis of information given by respondent no.2. Although FIR runs in 7 to 8 pages, relevant attribution so far as present applicants are summarized as under:

The respondent no.2 married on 31.07.2022 with applicant no.1. At the relevant time, applicant no.1/husband was working as

cook in United Kingdom. The respondent no.2 was assured that she would reside in UK alongwith her husband after marriage. However, applicant no.1/husband left to UK leaving her alone at Pune. She was in job at Pune. She was insisted to reside at matrimonial home at Ahmednagar. However, she continued her job at Pune. Her mother-in-law and father-in-law joined her at Pune. They used to quarrel with her and provide false information to her husband. Her husband and in-laws used to doubt on her character. Intentionally they prolonged process of UK visa for her. When she complained about ill-treatment and harassment mated to her to maternal uncle i.e. applicant no.5, he scolded her. Her co-sister never supported her. She instigated in-laws against her. Her sister-in-law (applicant no.3) used to intervene in her matrimonial affairs. The husband took money from her under pretext of getting her flight tickets, but he declined to take her to UK. The applicant nos.2 and 3 levelled allegations that she consumes alcohol and attends late-night parties. Her husband used to share personal information about her to co-sister. Finally she was driven out of home. Since 08.08.2023 she is residing with her parents.

4. The aforesaid information culminated into registration of FIR. The investigation progressed and finally charge-sheet came to

be filed. At present R.C.C. No.839/2024 is pending in Court of Judicial Magistrate First Class at Chhatrapati Sambhajanagar.

5. Mr. Choudhary, learned Advocate appearing for applicants submits that allegations in FIR or material in charge-sheet are bereft to make out any offence as against applicants. They are falsely implicated. This is a case of over implication and misuse of Section 498-A of Indian Penal Code.

6. Per contra, Mr. Ghayal, learned APP appearing for respondent-State and Ms. Kasture, learned Advocate appearing for respondent no.2 submit that there is sufficient material to relegate applicants for trial. No grounds are made out to invoke inherent powers.

7. Having considered submissions advanced by learned Advocates appearing for respective parties and on perusal of contents of FIR and charge-sheet, it is discernible that on 31.07.2022, respondent no.2 married with applicant no.1 and since August 2023 she is residing at her maternal home. Admittedly, respondent no.2 was in job at Pune. Her in-laws were residing at Ahmednagar. Her husband was in service at UK. Apparently, respondent no.2 has never resided in shared accommodation with applicant nos.3 to 6. The allegations in FIR as against applicant nos.3 to 6 are general in nature and bereft to make out any offence

under Section 498-A of Indian Penal Code. The allegations are of trivial nature and do not constitute degree of harassment required to attract an offence under Section 498-A of Indian Penal Code. The applicant no.2/Sister-in-law is alleged to have interfered in matrimonial affairs of respondent no.2. The applicant no.4/co-sister alleged to have maintained friendly relations with applicant no.1 and they shared private information regarding matrimonial life of respondent no.2. The applicant nos.3 to 6 alleged to have made imputations against respondent no.2, particularly as regards to her character. However, there is nothing to demonstrate that ill-treatment was on account of illegal demand or ill-treatment was aimed to torture respondent no.2.

8. At this stage, reference can be given to observations made by the Supreme Court in case of ***Preeti Gupta and Another and Another Vs. State of Jharkhand and Another***¹, wherein Apex Court observed in paragraph nos.30, 32 and 34 as under :-

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

32. It is a matter of common experience that most of these complaints under section 498-A IPC 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

¹ (2010) 7 SCC 667.

cases of dowry harassment are also a matter of serious concern.

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.”

9. In yet another judgment in case of ***Kahkashan Kausar @ Sonam and Others Vs. State of Bihar and Others***², the Supreme Court after taking stock of various earlier decisions in the subject matter, observed in paragraph no.17 as under:

“17. The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC 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.”

10. Similarly, in case of ***Sushil Kumar Sharma vs. Union of India and others***³, the Supreme Court observed in paragraph no.19 as under :-

“19. The object of the provision is prevention of the dowry meance. But as has been rightly contended by the petitioner many instances have come to light where the complaints are not bonafide and have filed with oblique motive. In such cases acquittal of the accused does not in all cases wipe out the ignomy suffered during and prior to trial. Sometimes adverse media coverage adds to the misery. The question, therefore, is what remedial measures can be taken to prevent abuse of the well-intentioned provision. Merely because the provision is constitutional and intra vires, does not give a licence to unscrupulous persons to wreck personal vendetta or unleash harassment. It may, therefore, become

² (2022) 6 SCC 599.

³ (2005) 6 SCC 281.

necessary for the legislature to find out ways how the makers of frivolous complaints or allegations can be appropriately dealt with. Till then the Courts have to take care of the situation within the existing frame work. As noted the object is to strike at the roots of dowry menace. But by misuse of the provision a new legal terrorism can be unleashed. The provision is intended to be used a shield and not assassins' weapon. If cry of "wolf" is made too often as a prank assistance and protection may not be available when the actual "wolf" appears. There is no question of investigating agency and Courts casually dealing with the allegations. They cannot follow any strait jacket formula in the matters relating to dowry tortures, deaths and cruelty. It cannot be lost sight of that ultimate objective of every legal system is to arrive at truth, punish the guilty and protect the innocent. There is no scope for any pre-conceived notion or view. It is strenuously argued by the petitioner that the investigating agencies and the courts start with the presumption that the accused persons are guilty and that the complainant is speaking the truth. This is too wide available and generalized statement. Certain statutory presumption are drawn which again are reputable. It is to be noted that the role of the investigating agencies and the courts is that of watch dog and not of a bloodhound. It should be their effort to see that innocent person is not made to suffer on account of unfounded, baseless and malicious allegations. It is equally indisputable that in many cases no direct evidence is available and the courts have to act on circumstantial evidence. While dealing with such cases, the law laid down relating to circumstantial evidence has to be kept in view."

11. Keeping in mind aforesaid exposition of law, if statements of witnesses appended to charge-sheet are seen, allegations are limited to the extent that respondent no.2 was teased by her in-laws for reason that she stays away from home till late night or sometimes as regards to her character or applicants persuaded her to give up her job at Pune. Apart from aforesaid statements, there is no corroboration to averments in FIR.

12. In that view of matter, this Court holds that this is a case of over implication and misuse of Section 498-A of Indian Penal Code. In this backdrop, continuation of trial against applicant nos.3 to 6 would be abuse of process of law and undue harassment to them. In result, this Court finds that case is made out to invoke powers under Section 482 of Code of Criminal Procedure and grant relief as prayed.

13. Hence, Application is partly allowed in terms of prayer Clauses (B) and (C-1). The Trial Court to proceed against applicant nos.1 and 2 in accordance with law.

14. Since Ms. Kasture, learned Advocate is appointed through legal aid to represent respondent no.2, the Secretary, High Court Legal Services Sub-Committee, Aurangabad Bench do pay fees of appointed counsel for respondent no.2 as per schedule.

(S. G. CHAPALGAONKAR)
JUDGE