



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.75 OF 2025**

1. Kiran Manmath Bukke (Husband)
Age: 36 years, Occu: Service
R/o Gurukrupa Niwas, Walekarwadi Chinchwad,
Tq. and Dist. Pune-411033
2. Vimal Manmath Bukke (Mother in law)
Age: 60 years, Occu: nill,
3. Manmath Revappa Bukke (Father in law)
Age: 65 years, Occu: Household,
4. Vikas Manmath Bukke (Brother in law)
Age: 45 years, Occ: Service
5. Lata Vikas Bukke (Wife of brother in law)
Age: 40 years, Occ: Household

Applicant No. 2 and 5 are residing at Jagalpur (bk)
Tal. Jalkot Dist. Latur
6. Vinay Manmath Bukke (Brother in law)
Age: 40 years, Occ: Business
7. Yogita Vinay Bukke (Wife of brother in law)
Age: 35 years, Occ: Service

Applicant 6 and 7 are residing at Flat No. 614
Vardhman Watika Phase-I, Krantiveer Nagar, Thergaon,
Chinchwad, Pune 411033
8. Kishor Manmath Bukke (Brother in law)
Age: 32 years, Occ: Service
All R/o at Jagalpur (bk)
Tal. Jalkot Dist. Latur

..Applicants
(Orig. Accused)

Versus

1. The State of Maharashtra
Through police station
Mukaramabad Police Station,
Mukaramabad Tq. Mukhed and Dist. Nanded.
2. Pooja w/o Kiran Bukke,
Age: 32 years, Occu. Household,

R/o at Jagalapur, To. Jalhkot,
Dist. Latur
At present r/o Barhali,
Tq. Mukhed Dist. Nanded

..Respondents
(Resp. no. 2 Ori. complainant)

...
Ms. S. G. Sonawane, Advocate for Applicants.
Mr. S. P. Joshi, APP for Respondent-State.
Mr. H. P. Randhir, Advocate for Respondent No.2.

...
CORAM : S. G. CHAPALGAONKAR, J.
DATED : 10th APRIL, 2026.

JUDGMENT:-

1. The applicants seeks quashment of FIR No.251/2024 dated 16.11.2024 registered with Mukaramabad Police Station, Dist. Nanded for offence punishable under Sections 85, 115(2), 352, 3(5) of Bhartiya Nyaya Sanhita, 2023 and consequential proceeding in R.C.C. No.14/2025 pending before Judicial Magistrate First Class, Mukhed, Dist.Nanded.

2. The investigation was set in motion on the basis of information given by respondent no.2. In nutshell she alleges that on 19.05.2021 she married with applicant no.1. At that time, he was serving in private company at Pune. She was treated well for eight days, thereafter, she was ill-treated by accused persons in pursuance to demand of Rs.5,00,000/- for purchase of four wheeler. She complained about ill-treatment mated to her with her father. After intervention of relatives, she was again treated well for two years. Thereafter, her husband started doubting her character. When she complained about mis-behaviour of her husband to her

in-laws, they repeated their demand of Rs.5,00,000/-. Lastly, her husband driven her out of home.

3. The aforesaid information was culminated into registration of FIR. The investigation progressed and charge-sheet has been filed in Court of Judicial Magistrate First Class at Mukhed. At present, Regular Criminal Case No.14/2025 is pending.

4. Ms. Sonawane, learned Advocate appearing for applicants submits that allegations in FIR are patently false. The respondent no.2 and applicant no.1 were residing at Pune. The other accused persons are unconcerned with family affairs of respondent no.2 and her husband. The allegations in FIR are vague, omnibus and does not constitute any offence as alleged.

5. Per contra, Mr. Joshi, learned APP appearing for respondent-State and Mr. Randhri, learned Advocate appearing for respondent no.2 submit that averments in FIR and contents of charge-sheet are sufficient to make out offence. Hence, they need to be relegated for trial.

6. Having considered submissions advanced by learned Advocates appearing for respective parties and on perusal of FIR alongwith charge-sheet, it is discernible that on 09.05.2021, respondent no.2 married with applicant no.1. After eight days of marriage, she started residing at Pune alongwith her husband. In

nutshell she alleges that demand of Rs.5,00,000/- was raised for purchase of car and in pursuance of said demand, there was harassment. The particulars of such harassment and period of demand is not specified in FIR. Second allegation is that husband doubted her character and used to beat her. Thereafter, couple is blessed with son. It is further alleged that again demand of Rs.5,00,000/- was reiterated and now she is residing at her maternal home at Barhali.

7. Perusal of charge-sheet shows that there is no corroboration to allegation in FIR. The applicant nos.2 to 8 had never shared accommodation with respondent no.2. The applicant nos.2 and 3 were residing at village, whereas applicant nos.4 to 8 were residing at Latur and Pune in pursuance to their service. As such, on the face of it, allegation that all of them ill-treated respondent no.2 in pursuance of demand of Rs.5,00,000/- for purchase of car for applicant no.2 cannot be countenanced. The FIR does not disclose as to when last incident of ill-treatment occurred or when demand was lastly raised. The allegation that all accused persons ill-treated her by visiting her maternal home at village Barhali appears to be vague, omnibus and improper.

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 Another¹, 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 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.”

¹ (2010) 7 SCC 667.

² (2022) 6 SCC 599.

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 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. In light of aforesaid exposition of law, if factual matrix of present case is considered, this Court finds that it is case of over implication and misuse of process of law. There is no reason to relegate applicant nos.2 to 8 for trial. The allegations in FIR may at the most lead to make out some case against husband. However, there is nothing to permit continuation of trial against applicant nos.2 to 8. In result, this Court finds that case is made out to exercise of inherent powers under Section 528 of BNSS to prevent abuse of process of law to extent of applicant nos.2 to 8. Hence, following order is passed:

ORDER

- a. Criminal Application is partly allowed.
- b. FIR No.251/2024 dated 16.11.2024 registered with Mukaramabad Police Station, Dist. Nanded for offence punishable under Sections 85, 115(2), 352, 3(5) of Bhartiya Nyaya Sanhita, 2023 and consequential proceeding in R.C.C. No.14/2025 pending before Judicial Magistrate First Class, Mukhed, Dist.Nanded, is hereby quashed and set aside to the extent of applicant nos.2 to 8.
- c. The Trial Court to proceed against applicant no.1 in accordance with law.

(S. G. CHAPALGAONKAR)
JUDGE