



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.76 OF 2025**

- 1) Anish Arun Bodhak (Husband)
Age: 33 Years, Occ.: Service,
R/o.: Vishal Nagar, Rahata, Tq. Rahata,
Dist. Ahmednagar.
- 2) Arun Fransis Bodhak (Father-in-law)
Age: 65 Years, Occ.: Nil,
R/o.: Vishal Nagar, Rahata, Tq. Rahata,
Dist. Ahmednagar.
- 3) Sangita Arun Bodhak (Mother-in-law)
Age: 55 Years, Occ.: Household,
R/o.: Vishal Nagar, Rahata, Tq. Rahata,
Dist. Ahmednagar.
- 4) Jyoti Sushil Kadam (Sister-in-law)
Age: 35 Years, Occ.: Service
R/o.: Rahata, Tq. Rahata,
Dist. Ahmednagar.

...Applicants

VERSUS

- 1) The State of Maharashtra,
Through Police Station Bidkin,
Tq. Paithan, Dist-Chhatrapati Sambhajinagar.
(Copy to be served on APP)
- 2) Amrapali Anis Bodhak
Age-21 Years, Occ- Household
R/o- Rahata, Tq. Shrirampur, Dist. Ahmednagar.
At present- Farola, Tq. Paithan,
Dist. Chhatrapati Sambhajinagar
Mo. No.- 7083479795.

...Respondents

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Mr. J.V. Deshpande & Mr. S.N. Dudhate, Advocate for Applicants
Mr. S.A. Gaikwad, APP for Respondent/State.
Ms. Sejal A. Sisodiya, Advocate for Respondent No.2 (Appointed).

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : FEBRUARY 16, 2026

FINAL ORDER :-

1. The applicants seek quashment of First Informant Report
(in short 'F.I.R.') dated 20.09.2024 in Crime No.420 of 2024

registered with Bidkin Police Station for offence punishable under Section 498-A, 323, 504, 506 r/w 34 of Indian Penal Code and consequential proceedings in R.C.C. No.262 of 2025 pending before learned Judicial Magistrate First Class, Paithan.

2. The investigation was set in motion on the basis of information given by respondent no.2 alleging she married with applicant no.1 on 18.07.2021. After marriage, she resided in her matrimonial house along with applicants. She was treated well for first three months. However, her in-laws started ill-treatment. They frequently teased her on account of poor financial condition of her maternal side. She was unnecessarily beaten and abused by in-laws. She was made to suffer starvation. Her husband used to say that he would not confer status of wife upon her and ensure that she would have no child out of marriage. It is further alleged that mother-in-law used to quarrel and abuse her for reason of household work. She gave threat that she would ensure second marriage of her son. The father-in-law abused her saying that she has no qualities to become daughter-in-law. The sister-in-law is also alleged of teasing her. The aforesaid information was culminated into registration of F.I.R. No.420 of 2024 for offence punishable under Section 498-A, 323, 504, 506 r/w 34 of Indian Penal Code. The investigation progressed and charge sheet has been filed against in all four accused persons i.e. applicants.

3. Mr. J.V. Deshpande, learned advocate appearing for applicants, on instructions, seeks permission to withdraw application to the extent of applicant no.1 and restricted his submissions for applicant nos.2 to 4. He would submit that applicant no.2 is father-in-law, applicant no.3 is mother-in-law and applicant no.4 is sister-in-law of respondent no.2. By taking this Court through averments in F.I.R. and statements of witnesses recorded during course of investigation, he would submit that stereotype and omnibus allegations are made against applicants, which are bereft to make out ingredients of Section 498-A of Indian Penal Code or for other offences as charged. He would therefore urge to quash F.I.R. and consequential proceedings against applicants.

4. Mr. S.A. Gaikwad, learned APP and Ms. Sejal Sisodiya, learned advocate appearing for respondent no.2 vehemently opposed the prayer of applicants. Ms. Sejal submits that respondent no.2 was consistently abused in foul language and she was teased referring to poor condition of her father. She was branded as unfit to be daughter-in-law in home. She was made to starve. All these circumstances are sufficient to make out triable case against applicants.

5. Having considered submissions advanced by learned advocates appearing for respective parties, it can be observed that Section 498-A has been designed and incorporated with intention to

deal menace of unlawful demand and consequential harassment of married women by in-laws. The explanation to Section 498-A defines cruelty which reads thus :

“Explanation.—For the purposes of this section, "cruelty means"—

(a) any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.]”

6. Apparently, to make out ingredients of offence under Section 498-A, it is desirable to make out harassment of woman with a view to coerce her by any person related to her to meet any unlawful demand or to make out a willful conduct of such a nature as is likely to drive the woman to commit suicide or to cause grave injury. The averments in F.I.R. in present case would depict that there were domestic differences between respondent no.2 and mother-in-law. Only allegations against applicant nos.2 to 4 that they teased her on account of poverty of her parents and they used to abuse her by filthy language. There are allegations like starvation or beating by in-laws but without specification of any incident. The allegations are vague, omnibus and falls short to make out an offence under Section

498-A. Perusal of charge sheet shows that statements of mother, father and brother of respondent no.2 are recorded. All the statements are stereotype and based on hearsay information. The statement of witness Hirabai Khandagale i.e. maternal aunt of respondent no.2 is also in same line. None of the statements in charge sheet coupled with averments in F.I.R. would be sufficient to relegate applicants to trial. At this stage, reference can be given to observations of Hon'ble Supreme Court in case of ***Kahkashan Kausar alias Sonam and Others Vs. State of Bihar and Others*** reported in **(2022) 6 SCC 599** particularly para 17 which reads thus :

“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.”

7. Reference can also be given to observations of another judgment of Hon'ble Supreme Court in case of ***Preeti Gupta and Another Vs. State of Jharkhand and Another*** reported in **(2010) 7 SCC 667**, particularly paragraph nos.30, 32 and 34, which read thus :

“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.”

8. In light of aforesaid exposition of law, this Court finds that this is a case of over implication of in-laws. In that view of matter, trial against applicants would be abuse of process of law. In result, application is allowed in terms of prayer clause (B) to the extent of applicant nos.2 to 4.

9. The Secretary, High Court Legal Services Sub-Committee, Aurangabad is directed to pay fees of appointed counsel for respondent no.2, as per schedule.

(S.G. CHAPALGAONKAR, J.)