



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.440 OF 2025**

1. Shubham s/o. Madhukar Kajale (Husband)
Age- 28 Yrs., Occu.: Private Service,
 2. Madhukar s/o. Pandurang Kajale (father-in-law)
Age- 59 Yrs., Occu.: Business,
 3. Sujata w/o. Madhukar Kajale (Mother-in-law)
Age-56 years, Occ: Household,
- Applicant Nos.1 to 3 permanent
R/o. Pandurang Krupa,
Sarai peth, Junnar, Tal-Junnar, Dist. Pune.
4. Prerna d/o. Madhukar Kajale (Sister-in-law)
Age-33 years, Occ: Lawyer
R/o. Brhaman Budhwarpath,
 5. Poonam w/o. Nikhil Mundlik (Sister-in-law)
Age-34 years, Occ: Business,
C-202, Aradhya Heights,
Kolhe mala Road, Narayangaon,
Tal. Junnar, dist. Pune
- ..Applicants

Versus

1. The State of Maharashtra
Through the Investigation Officer
/ Officer In charge of
Police Station Rahuri, Tq. Rahuri,
Dist. Ahmednagar
 2. Komal w/o. Shubham Kajale
Age: 26 years, Occu.: Business & Job of Share marketing,
C/o. Balkrushna Tulsidas Bokand,
R/o. Dhanore, Tq. Rahuri, Dist. Ahmednagar
- ..Respondents
(Orig. Informant)

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Mr. B. R. Kedar, Advocate for the Applicants.
Mr. K. N. Lokhande, APP for Respondent No.1.
Mrs. Manjusha Jagtap, Advocate for Respondent No.2.

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CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : 12th FEBRUARY, 2026.
PRONOUNCED ON : 08th APRIL, 2026.

JUDGMENT:-

1. The applicants seeks quashment of FIR in Crime No.992/2024 registered with Rahuri Police Station, Dist. Ahmednagar for offences punishable under Sections 498-A, 323, 504, 506 r/w 34 of Indian Penal Code as well as consequential proceeding in RCC No.575/2024 pending before Judicial Magistrate First Class, Rahuri.

2. The investigation was set in motion on the basis of information given by respondent no.2 alleging that on 16.07.2021 she married with applicant no.1 as per Hindu rites and customs. After marriage, she started residing with her in-laws. She was treated well for a month after marriage. She is blessed with son out of matrimonial relationship. Thereafter, her husband started demanding Rs.2,00,000/- for purchase of car. He was further raising demand of 140 grams of gold left out as part of dowry. When informant apprised about huge expenses made by her parents, accused persons abused her and assaulted by fist and kick blows. She was not given food and tortured mentally and physically.

3. On 25.04.2024 while she was in jewelry shop, all accused persons assaulted her in pursuance to their demand and

threatened to kill. Since 26.04.2024 she is residing with her parents. She disclosed incident to them. Thereafter, present complaint is lodged. The investigation progressed in pursuance to aforesaid information and charge-sheet is filed. Section 406 of Indian Penal Code is added on the basis of supplementary statement of informant that accused persons have withhold jewelry gifted by her parents at marriage.

4. Mr. Kedar, learned Advocate appearing for applicants submits that allegations in FIR are *per se* false. The respondent no.2 was not interested in cohabiting with applicant no.1-husband. She used to humiliate and insult in-laws. On 25.04.2024 on complaint of applicant no.3/mother-in-law, N.C. for offences punishable under Section 323, 504 and 506 of Indian Penal Code was registered against respondent no.2. The applicant no.3 had suffered injuries due to assault by respondent no.2. The applicant no.1 has filed proceeding for divorce against respondent no.2 in Court of Civil Judge Senior Division at Rajgurunagar. The notice of such proceeding was issued to respondent no.2. Immediately thereafter false complaint has been lodged.

5. Per contra, Mr. Lokhande, learned APP appearing for respondent-State and Mrs. Jagtap, learned Advocate appearing for respondent no.2 would submit that there is triable material against

applicants. The contents of FIR attracts ingredients of alleged offence.

6. Having considered submissions advanced by learned Advocates appearing for respective parties and on perusal of material tendered into service, it is evident that on information given by respondent no.2, Crime No.992/2024 was registered against applicants. The applicant no.1 is husband, applicant nos.2 and 3 are father and mother-in-law and applicant nos.4 and 5 are sisters-in-law. Perusal of FIR further suggests that allegations are omnibus and general without specification of overt act against individual accused person. In first part of FIR allegation is made that husband demanded Rs.2,00,000/- for purchase of four wheeler and also asked to hand over 140 grams of gold. There are general allegations against all applicants that they abused and beaten her by fist and kick blows. Similar allegations are repeated vide incident dated 25.04.2024. As rightly pointed out by Mr. Kedar two days before registration of offence, NC has been lodged on complaint of applicant no.3 against respondent no.2. Similarly, applicant no.1 has filed proceeding for divorce. The notice of which is served upon respondent no.2. Perusal of statement of witnesses shows that since 26.04.2024, respondent no.2 is residing with her parents. The averments in statements of witnesses are stereotyped, omnibus and unspecific. The applicant no.5 who is

sister-in-law of respondent no.2 is residing at Pune, applicant nos.1 to 3 were residing with respondent no.2 in house at Saraipeth, Taluka Junnar, applicant no.4 is an Advocate by profession and residing separately since before marriage of applicant no.1 and respondent no.2. The FIR nowhere clarifies about presence of applicant nos.3 and 5 on the date of so called incident.

7. 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 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 yet another judgment in case of ***Kahkashan Kausar @ Sonam and Others Vs. State of Bihar and Others***², the

¹ (2010) 7 SCC 667.

² (2022) 6 SCC 599.

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.”

9. 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 in 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.”

10. In light of aforesaid exposition of law if contents of FIR and charge-sheet are considered this Court finds that this is case of over implication and misuse of penal provision under Section 498-A of Indian Penal Code. The respondent no.2 acted in revengeful manner only when she received notice of divorce proceeding filed by husband. The record indicate that although allegations of assault by all accused persons are made in FIR at two occasions, those are clearly afterthought. She had not lodged any report thereof to police station. Hence, Criminal Application deserves to be allowed.

11. In result, Criminal Application is allowed in terms of prayer Clause (B).

(S. G. CHAPALGAONKAR)
JUDGE