



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.748 OF 2025

1. Vishal Suresh Tayde (Husband)
Age: 32 years, Occu: Service,
R/o.c/o. RQ no. RB 2,/1243/C
ZRTI Road, Godavari Building, Opp.
Lal Mandir, VTC. Bhusawal,
Tal. Bhusawal, Dist. Jalgaon. **Application is Dismissed as
withdrawn**
2. Meerabai Suresh Tayade, (Mother-in-law)
Age: Major, Occu: Household
3. Suresh Bajirao Tayde, (Father-in-law)
Age: Major, Occu: Agriculture
4. Sagar Suresh Tayde, (Brother-in-law)
Age: 32 years, Occu: Contractor
Currently residing at 74/3-A Type cidco colony
Sector 13 New Panvel Raigad, Dist. Raigad
No. 2 to 4 R/o. Sudgaon, Tal. Raver,
Dist. Jalgaon.
5. Akash Arun Tayde (Cousin Brother-in-law)
Age: 22 years, Occu: Education
R/o. Railway Station road,
near Pradhan Kirana Stores, Bhim Nagar,
Godhani, Tal. & Dist. Nagpur
6. Yuvraj Vilas Tayde (Cousin Brother-in-law)
Age: 22 years, Occu: Education
R/o. Gat no. 132, Plot no. 52, Block no. 2,
Near Jijamata High School, Hari
Vitthal Nagar, Tal. & Dist. Jalgaon
7. Rekha Suresh Tayde (Sister-in-law)
Age: 40 years, Occu: Household
R/o. House no.109, Dhamma Nagar,
Sudgaon, Tal. Raver, Dist. Jalgaon

8. Kavita Suresh Tayde
Age: 38 years, Occu: Household
R/o. House no. 110, Sudgaon,
Sudgaon, Tal. Raver, Dist. Jalgaon
9. Manisha Bhagwat @Bhagirath Sonwane
(Cousin Sister-in-law)
Age: 41 years, Occu: Household
10. Bhagwat @Bhagirath Waman Sonwane
(Husband of Cousin Sister-in-law)
Age: 42 years, Occu: Service
No. 9 and 10 R/o. House no. 1322, Last Lane,
Panchasheel Nagar, Bhusawal,
Tal. Bhusawal, Dist. Jalgaon
11. Vilas Bajirao Tayde, (Uncle-in-law)
Age: 52 years, Occu: Service
R/o. Gat no. 132, Plot no. 52, Block no. 2,
Near Jijamata High School, Hari
Vitthal Nagar, Tal. & Dist. Jalgaon
12. Arun Bajirao Tayde, (Uncle-in-law)
Age: 65 years, Occu: Retired
13. Meerabai Arun Tayde, (Aunt-in-law)
Age: 51 years, Occu: Household
No. 12 and 13 R/o. Railway Station Road, near
Pradhan Kirana Stores, Bhim Nagar,
Godhani, Tal. & Dist. Nagpur. **...APPLICANTS**

Versus

1. The State of Maharashtra
Through Police Inspector,
Varangaon Police Station,
Dist. Jalgaon.
2. Sukanya Vishal Tayde,
Age: 27 years, Occu: Household
R/o. Samrat Nagar, Varangaon,
Tq. Varangaon, Dist. Jalgaon. **...RESPONDENTS**

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Advocate for Applicants : Mr. G. V. Wani.

Advocate for Respondent/State : Mr. S. R. Yadav-Lonikar.

Advocate for Respondent No.2 : Mr. H.P. Randhir

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Coram : S. G. Chapalgaonkar, J.

Dated : 16th April, 2026.

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FINAL ORDER :-

1. The applicants seeks to quash the First Information Report No.8 of 2025 dated 19.01.2025 registered with Varangaon Police Station, District Jalgaon, for offences punishable under sections 498-A, 323, 504, 506 r/w 34 of Indian Penal Code. By way of amendment, challenge is raised to charge-sheet and consequential proceeding in R.C.C. No.222 of 2025 pending before Judicial Magistrate First Class, Bhusawal.

2. The investigation was set in motion on the basis of information given by respondent no.2. In nutshell, it is alleged that on 25.12.2022, she married with applicant no.1. After marriage, she resided at her matrimonial home along with her husband, mother-in-law, father-in-law and sisters-in-law. She alleges that, while she was residing at matrimonial home, she was teased by her sister-in-law saying that she does not know household work. Her father-in-law and mother in law used to

tease her for the reason that insufficient dowry was paid at the marriage and raised demand to bring Rs.5 Lakhs to purchase car. Due to ill-treatment, she lost health. Her husband took her to maternal home. Thereafter, her husband never turned back to receive her. All attempts of conciliation are failed.

3. In second part of the First Information Report, she alleges that, all accused persons used to visit her matrimonial home and instigate her husband to cause ill-treatment. Her husband used to say that she is ill and suffering with TB. The aforesaid information was culminated into registration of the FIR. On completion of investigation, charge-sheet is filed against in all 13 accused persons.

4. On 27.3.2025 the application was heard. On disinclination of this Court to grant any relief to applicant no.1/ husband, application to his extent has been **dismissed as withdrawn.**

5. Mr. Wani, learned advocate appearing for applicants submits that this is a case of glaring example of over implication and misuse of section 498-A of Indian Penal Code. Contents of FIR or charge-sheet does not constitute ingredients

of offences alleged. All relatives of husband are implicated on the basis of omnibus and unspecific allegations.

6. Applicant nos.2 and 3 are mother-in-law and father in law and applicant nos.7 and 8 are the sisters-in-law. They are residing at Sudgaon, Tq. Raver, whereas the applicant no.2 alongwith applicant no.3 was stationed at Bhusawal. The applicant no.1 is in service with railways since 2019. Applicant no.4 is brother-in-law, who resides at Panvel since 2023. Applicant no.5 is permanently residing at Nagpur, applicant no.6 stays at Jalgaon. The applicant no.9 and applicant no.10 are co-sisters and co-brother-in-law. They are unconcerned with family affairs of respondent no.2. Applicant nos.11, 12 and 13 are resident of distant places like Jalgaon and Nagpur. Mr. Wani, submits that respondent no.2 was diagnosed for TB, which was not disclosed before marriage. Further she refused to take the treatment.

7. Per contra, Mr. Yadav learned APP appearing for respondent no.1 State and Mr. Randhir, learned advocate appearing for respondent no.2 submits that there is sufficient material to relegate the applicants for trial. Mr. Randhir would submit that respondent no.2 had filed a detailed complaint

with the President of Women Counseling Center. However, police did not record her complaint in tune with the same. There was specific allegations against each of applicants. He would, therefore, urge that on the basis of contents of FIR, the applicants cannot be given benefit.

8. Having considered submissions advanced by learned advocates appearing for respective parties and upon going through contents of FIR and charge-sheet, it is discernible that allegations in the FIR are general in nature. There are no stipulations that would constitute ingredients of section 498-A of the Indian Penal Code. In first part of FIR, it is alleged that respondent no.2 was harassed or ill-treated by sister-in-law on the pretext that she does not know household work. Secondly FIR states that there was demand of dowry by father-in-law and mother-in-law and thirdly she states that she was dropped at maternal home when she fell ill and her husband never came back to receive her. In subsequent part of FIR, elaboration is made regarding demand and ill-treatment meted towards informant by all applicants. However, on careful scrutiny of allegations, it is discernible that none of the ingredient of alleged offences can be made out against applicants. Allegations in the FIR are vague, unspecific and

nowhere depicts ill-treatment towards respondent no.2 in pursuance to demand of dowry or of such a level that she would think to end her life.

9. As rightly pointed out by Mr. Wani learned advocate appearing for applicants, it can be observed that respondent no.2 resided with her husband at work place. All other applicants were residing at different places. Respondent no.2 never resided in shared accommodation with applicants/accused persons.

10. At this stage, reference can be given to the exposition of law as espoused by the Hon'ble Supreme Court in case of ***Preeti Gupta and another Vs. State of Jharkhand and another, reported in (2010)7 SCC 667***, wherein the 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.”

11. Yet another case of ***Kahkashan Kausar alias Sonam and others Vs. State of Bihar reported in (2022)6 SCC 599***, the Supreme Court 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 analyzing 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”.

12. Similarly, in the case of ***Geeta Mehrotra and Another Versus State of Uttar Pradesh and Another*** reported in ***(2012) 10 SCC 741*** observed in para no.25 as under :-

“25. However, we deem it appropriate to add by way of caution that we may not be misunderstood so as to infer that even if there are allegations of overt act

indicating the complicity of the members of the family named in the FIR in a given case, cognizance would be unjustified but what we wish to emphasize by highlighting is that, if the FIR as it stands does not disclose specific allegation against accused more so against the co-accused specially in a matter arising out of matrimonial bickering, it would be clear abuse of the legal and judicial process to mechanically send the named accused in the FIR to undergo the trial unless of course the FIR discloses specific allegations which would persuade the court to take cognizance of the offence alleged against the relatives of the main accused who are prima facie not found to have indulged in physical and mental torture of the complainant-wife. It is the well settled principle **laid down in** cases too numerous to mention, that if the FIR did not disclose the commission of an offence, the court would be justified in quashing the proceedings preventing the abuse of the process of law. Simultaneously, the courts are expected to adopt a cautious approach in matters of quashing specially in cases of matrimonial dispute whether the FIR in fact discloses commission of an offence by the relatives of the principal accused or the FIR prima facie discloses a case of over-implication by involving the entire family of the accused at the instance of the complainant, who is out to settle her scores arising out of the teething problem or skirmish of domestic bickering while settling down in her new matrimonial surrounding.”

13. In light of aforesaid exposition of law, if contents of the charge-sheet or statements of parents or supplementary statements are considered, this Court finds that, it is stereotype replication of contents of FIR. It is evident that respondent no.2 is residing at maternal home since July, 2023. As such, she resided at matrimonial home hardly for initial six months, thereafter she is residing with her parents.

14. This Court finds that this is a case of over-implication. All family members and close relatives of husband are implicated on the basis of omnibus and unspecific allegations. Prosecution of applicants would be nothing but abuse of process of law.

15. In result, Criminal Application is allowed in terms of Prayer clause “B” and “B-1” to the extent of applicant **nos.2 to 13 only and disposed off.**

(S. G. CHAPALGAONKAR)
Judge

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