

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1628 OF 2025

Yogesh Chintaman Deore And Others

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. L.S. Mahajan h/f Mr. Desale Nilesh N.

APP for Respondent/State : Mr. S.D. Ghayal

Advocate for Respondent No.2 : Mr. Kale Vijay Bhanudas

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : APRIL 18, 2026

PER COURT :-

1. The applicants seek quashment of FIR No.599 of 2023 dated 03.07.2023 registered with Shevgaon Police Station, Shevgaon, District Ahmednagar for offences punishable under Sections 498-A, 323, 504, 506 of Indian Penal Code.

2. The investigation was set in motion on the basis of information given by respondent no.2. In nutshell, she alleges that on 16.06.2020, she married with accused Yogesh during Covid time. After marriage, she resided at matrimonial home. She had trifle dispute with his husband. On 10.07.2021, she gave birth to a child at maternal home. On 28.11.2021, she resumed her stay at matrimonial home. After that, in-laws started demanding Rs.3 lakh for purchase of appliances under pretext that at marriage, such gifts were not given. Thereafter, she resided for some period with husband in a rented room. Since 19.03.2023, she is residing with her parents and

then lodged report. Perusal of FIR shows that except one last allegation that in-laws raised demand of Rs.3 lakh to purchase appliances, there is absolutely nothing to depict that applicants have tortured respondent no.2 in pursuance to demand of money or they committed such act that would drive her to commit suicide. The allegations in FIR are omnibus. No particulars of incident of ill-treatment are discernible from contents of FIR.

3. In light of aforesaid observations, reference needs to be given to exposition of law by 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.”

4. 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.”

5. Reference can also be given to observations of another judgment of Hon’ble Supreme Court in case of ***Geeta Mehrotra and Another Vs. State of Uttar Pradesh and Another*** reported in **(2012) 10 SCC 741**, particularly paragraph no.25, which read thus :

“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.”

6. In light of aforesaid exposition of law, if charge sheet is perused, except stereotype statements of witness without specific attribution nothing can be found against any of applicants to attract alleged offence. This Court finds that it is a dispute between respondent no.2 and her husband. All members from husband's family are implicated as accused. Apparently, this is a classic example of over implication and misuse of Section 498-A of Indian Penal Code. In this backdrop, applying principles laid down by Hon'ble Supreme Court in case of ***State of Haryana and Others Vs. Ch. Bhajanlal and Others*** reported in ***AIR 1992 SC 604***, case is made out to exercise inherent powers.

7. In result, application is allowed in terms of prayer clause (B) and (B-1).

(S.G. CHAPALGAONKAR, J.)