



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1387 OF 2025

1. Snehal W/o Ramkrushna Nagare,
Aged about 32 years, Occ.: House Hold Work,
 2. Narayan S\o Sakharam Nagare,
Aged about 68 years, Occ.: Agriculturist
Both R/o at Post Saswad,
Tah. Risod, Dist. Washim
 3. Balaji S\o Uttam Tidake
Aged about 42 years, Occ.: Agriculturist
 4. Sharada S/o Balaji Tidake
Aged about 38 years, Occ.:House Hold Work
Both R/o Ward No. 2, Jiwati,
Sarangpur, Dist. Chandrapur
- ...Applicants

Versus

1. State of Maharashtra
through Police Station Officer,
Police Station Kadim, Dist. Jalana
 2. Sau. Jyoti W/o Santosh Bhendekar,
Aged about 33 years, Occ.: House Hold Work,
R/o Income tax Colony, Old Jalna,
Tah. & Dist. Jalna
- ...Respondents

WITH CRIMINAL APPLICATION NO. 2086 OF 2025

1. Rameshwar s/o Digambar Bhendekar
Age: - 78 years, Occur:- agri.
2. Savita w/o Rameshwar Bhendekar
Age:-72 Yrs, Occu:- House-hold,
Both r/o Vandevi Nagar, Bypass,
Karanja-Lad Tq Karanja, Dist Washim
3. Santosh @ Satish s/o Rameshwar Bhendekar,
Age:-38 Yrs, Occu: Temporary service,
At present c/o Narendra Athwale, Shankar Nagar,

Apatapa road, Akola, Tq & Dist Akola.

...Applicants

Versus

1. The State of Maharashtra,
Through The Police Inspector,
Police Station Kadim. Jalna, Tq & Dist Jalna
2. Jyoti w/o Santosh @ Satish Bhendekar,
Age: 33 years, Occu: Business,
R/o Vandevi Nagar, Karanja,
Tq Mangrulpeer, Dist Washim,
At present Income Tax Colony old Jalna,
Tq & Dist Jalna.

...Respondents

- Mr. G. V. Mohekar, Advocate for the Applicants
- Mr. S. K. Shirse, APP for the Respondent/State
- Ms. S. R. Chole, Advocate for Respondent No. 2 in APPLN/1387/2025
- Mr. S. B. Yawalkar, Advocate for Respondent No. 2 in APPLN/2086/2025

CORAM : S. G. CHAPALGAONKAR, J
DATE : APRIL 18, 2026

FINAL ORDER :

1. The Applicants seeks quashment of FIR No. 58/2025 dated 20.02.2025 registered with Kadim Police Station, Dist. Jalna for offences punishable under Sections 323, 498-A, 504, 506 read with Section 34 of Indian Penal Code.

2. The investigation was set in motion on basis of information given by Respondent No. 2/Informant. In nutshell, she alleged that on 15.04.2012, she married with Santosh @ Satish Rameshwar Bhendekar (Applicant No. 3 in Criminal Application No. 2086/2025). She was

treated well for first 4-5 years. Thereafter, her in-laws started ill-treating her on trifle reasons. Her husband on instigation of other accused persons, used to beat her. Thereafter, in-laws raised demand of Rs. 2 lakhs for construction of house. Her father fulfilled said demand, however, ill-treatment continued towards her. Again, demand was raised to bring Rs.1 lakhs. Her husband gave threat that if she wants to stay with him, she will have to bring amount else, he is not interested to continue matrimonial relations with her and would divorce her. She reported conduct of her husband to her parents. They tried to bring conciliation of dispute, however, her husband was adamant. Ultimately, her father took her to her maternal home.

The aforesaid information was culminated into registration of offence. On completion of investigation, charge-sheet came to be filed.

3. Mr. Mohekar, learned Advocate appearing for Applicants, submits that Applicants have been falsely implicated in aforesaid crime. The Respondent No. 2 is suffering from illness and she is not taking medication as advised by doctor. Her behavior is eccentric, she was raising quarrel with family members. She wanted to separately reside from in-laws. On 16.09.2024, Applicant No. 3/Husband had lodged report to police regarding misbehavior of Respondent No. 2. Accordingly, NCR No. 580/2024 is registered with Police Station Karanja, District

Washim. On 21.11.2024, Applicant No. 3 has issued legal notice for restitution of conjugal rights. Thereafter, present FIR has been lodged. According to Mr. Mohekar allegations in FIR are vague and does not constitute ingredients of alleged offences against Applicants.

4. Per contra, Mr. Shirse, learned APP, Ms. Chole & Mr. Yawalkar, learned Advocates appearing for Respondent No. 2, submit that averments in FIR specifically stipulates continuous ill-treatment and harassment towards Respondent No.2 at hands of Applicants. Therefore, there is sufficient material to relegate them for trial.

5. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that Respondent No. 2 married in year 2012. She states that she was treated well for 4-5 years and thereafter, her husband started beating and abusing her. Then she states that there was demand of Rs.2 lakhs for construction of home, which was fulfilled, however, there was further demand of Rs.1 lakhs for which her husband used to beat her or he used to say that he would divorce her. Pertinently, particulars of demand, approximate time when demand was made, particulars of persons who actually raised demand, particulars of harassment meted to her are absent in FIR. The omnibus allegations are made that she was continuously ill-treated and her husband used to beat her. It is

discernible that for more than 12 years before filing of FIR, couple had matrimonial relationship, for first 4-5 years there was no ill-treatment to her and thereafter, omnibus and vague allegations regarding demand and ill-treatment are made without specifying necessary particulars. As rightly pointed out by Mr. Mohekar, learned Advocate appearing for Applicants, husband had lodged complaint against Respondent No. 2 wherein he states that Respondent No. 2 wanted to reside separately with her husband and was not happy with company of father-in-law and mother-in-law. Apart from that there is no record to indicate that Respondent No. 2 is under medication for neurological/psychiatric treatment. Be that as it may, FIR appears to have been lodged after service of notice for restitution of conjugal rights upon Respondent No. 2 while she is residing with her parents.

6. In light of aforesaid factual backdrop, reference can be given to observations of Supreme Court in case of ***Dara Lakshmi Narayana and Others vs. State of Telangana and Another***, (2025) 3 SCC 735, wherein it is observed thus:

27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out

of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members.

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30. The inclusion of Section 498-A of the Indian Penal Code by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498-A of the Indian Penal Code as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498-A of the Indian Penal Code against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

7. Similarly, in case of ***Sushil Kumar Sharma vs. Union of India and Others***, (2005) 6 SCC 281, Supreme Court in paragraph 19 has observed as under:

19. *The object of the provision is prevention of the dowry menace. But as has been rightly contented by the petitioner many instances have come to light where the complaints are not bonafide and have been filed with oblique motive. In such cases acquittal of the accused does not in all cases wipe out the anomy 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 above 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 an assassin's 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 straitjacket 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 presumptions that the accused persons are guilty and that the complainant is speaking the truth. This is too wide available and generalized statement. Certain statutory presumptions are drawn which again are rebuttable. 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 an innocent person is not made to suffer on account of unfounded, baseless and malicious allegations. It is equally undisputable 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.

8. In light of aforesaid exposition of law, if averments in FIR along with statements of witnesses recorded during course of investigation are considered, it is discernible that common and omnibus allegations are made against all accused persons and as many as family members of husband are implicated as an accused. No specific attribution is made against any of accused persons except allegations against husband that he used to beat Respondent No. 2 in pursuance to demand. Further, when marriage span is more than 12 years and for first 4-5 years, there was no complaint as to ill-treatment, specifications ought to have been given as to when husband has actually raised assault against Respondent No. 2. No specific date or specific incident, with nature of assault or ill-treatment by husband are mentioned in FIR. The statement of witnesses in charge-sheet are also as vague as that can be and stereo type in nature.

9. In light of aforesaid factual backdrop, this Court has no hesitation to hold that this is a case of over implication and misuse of Section 498-A of Indian Penal Code. The continuation of prosecution against Applicants would be misuse of process of criminal law and undue harassment towards them. Hence, case is made out to exercise

inherent powers under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023.

10. In result, both Criminal Applications are allowed in terms of prayer clauses 'a', 'a-1' & 'b', respectively.

(S. G. CHAPALGAONKAR, J.)

Umesh