



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 CRIMINAL APPLICATION NO.3504 OF 2025

1. Pralhad Dashrath Sapkal,
age 34 yrs, Occ. Agri/Labour,
R/o Awalpur, Tq. & Dist. Beed. Husband
2. Kaushlya w/o Dashrath Sapkal,
age 65 years, Occ. Nil,
R/o Pimpargavhan Road, Beed
Tq. & Dist. Beed. Mother in law.
3. Chandrakant s/o Dashrath Sapkal,
age 42 years, Occ. Business,
R/o Pimpargavhan Road, Beed
Tq. & Dist. Beed Brother in law.
4. Kailash s/o Dashrath Sapkal,
age 40 yrs, Occ. Teacher,
R/o Pimpargavhan Road, Beed
Tq. & Dist. Beed Brother in law.
5. Amol s/o Dashrath Sapkal,
age 35 yrs, Occ. Agri,
R/o Pimpargavhan Road, Beed
Tq. & Dist. Beed Brother in law.
6. Pawan s/o Dashrath Sapkal,
age 30 yrs, Occ. Education,
R/o Sadashiv Peth, Pune,
Tq. & Dist. Pune. Brother in law.
7. Vidya w/o Chandrakant Sapkal,
age 36 yrs, Occ. Household,
R/o Pimpargavhan Road, Beed
Tq. & Dist. Beed. Sister in law.
8. Manjushri @ Manjusha w/o Kailash Sapkal
age 34 yrs, Occ. Household.
R/o Pimpargavhan Road, Beed
Tq. & Dist. Beed Sister in law.

9. Suman d/o Rambhau Sapkal Aunt of husband
age 70 yrs, Occ. Household,
age Awalpur, Tq. & Dist. Beed. Applicants
Orig. accused.

Versus

1. The State Of Maharashtra,
Through Police Station Officer,
Wadwani Police Station, Dist. Beed.
2. Rupali Pralhad Sapkal,
age 29 yrs, Occ. Household, orig informant
at present c/o Kalyan s/o Narayan Shelke,
r/o Morwad, Tq. Wadwani, Dist. Beed. Respondents.

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Advocate for Applicants : Mr. V.P. Savant
APP for Respondents : Mr. S.R. Yadav-Lonikar
Advocate for Respondent 2 : Mr. P.A. Pisal

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 27, 2026

FINAL ORDER :-

1. The applicants seeks to quash the FIR dated 25.12.2019 registered with Police Station Wadwani, District Beed and consequential proceeding in R.C.C. No.17 of 2020 pending before the J.M.F.C., Wadwani for the offences punishable under sections 498-A, 323, 504, 506 and 34 of the IPC.
2. Investigation was set in motion on the basis of the information given by the respondent no.2 Rupali alleging that on 24.2.2018 she married with applicant no.1-Pralhad

Dashrath Sapkal as per Hindu rites and customs. For initial two months, she was treated well, however, thereafter, her in-laws started raising demand of Rs.8 lakhs . Eventually, she was subjected to harassment. In the year 2019, she was driven out of the home. It is alleged that she was persuaded to divorce her husband and accused persons beaten her in pursuance to demand of Rs.8 Lakhs. The aforesaid information was culminated into registration of the crime no.204 of 2019 with Police Station Wadwani. On completion of investigation, charge-sheet came to be filed and at present RCC No.17 of 2020 is pending trial before the learned JMFC, Wadwani.

3. On 24.11.2025, this Court dismissed application to the extent of applicant nos.1 and 2 i.e. husband and mother-in-law and issued notices to the extent of applicant nos.3 to 9.

4. Mr. Savant, learned advocate appearing for applicants points out that applicant nos.3 and 4 are brothers-in-law of respondent no.2. They are residing at Beed. Applicant nos. 5 and 6 are also brothers-in-law of respondent no.2, but they are residing at Awalpur and Pune, respectively. Applicant nos.7 and 8 are co-sisters i.e. wives of applicant nos.3 and 4 respectively applicant no.9 is maternal aunt of applicant no.1.

Mr. Savant submits that perusal of FIR would depict that allegations against applicants are omnibus, unspecific and does not constitute any offence, as alleged. He would therefore, urge that FIR and consequential proceeding deserves to be quashed and set aside against applicant nos.3 to 9.

5. Per contra, learned APP and Mr Pisal learned advocate appearing for respondent no.2 vehemently opposes the application contending that respondent no.2 was persistently harassed on demand of Rs.8 Lakhs by all the in-laws named in the FIR. Statements of witnesses corroborates allegations in the FIR. Hence, this is a fit case for relegating all the applicants for trial.

6. Having considered submissions advanced by learned advocates appearing for respective parties and on perusal of contents of FIR and charge-sheet, it is discernible that respondent no.2 married with applicant no.1 in the year 2018. Thereafter, she was treated well for two months. She resided with in-laws till April, 2019. FIR is lodged in December, 2019. All near relatives of husband are implicated as accused persons without specific overt-act against each of them. Omnibus statements made that amount of Rs.8 Lakh was demanded for

furniture shop and as such that demand was persuaded. It is not possible that all accused persons would raise a common demand or all of them would commonly harass respondent no.2. Some specific overt-act needs to be given so as to test allegations in light of ingredients of offences as alleged. FIR merely suggests that demand was raised by applicant nos.9 and 6. Other accused persons are said to have ratified such demands. This Court finds that such unspecific and omnibus allegations would not be sufficient to make out offence under section 498-A of the Indian Penal Code. Even for making out other offences, specific assertions are required in FIR. Perusal of statements of witnesses in charge-sheet shows that those are inconsistent with contents in FIR or those are stereo-type. Careful reading of statement depicts that it does not constitute any of the offences against the applicants.

7. In light of the aforesaid background, reference can be given to observations of the Hon'ble Supreme Court in case of **Kahkashan Kausar alias Sonam and Others Versus State of Bihar and Others reported in (2022) 6 SCC 599**, wherein paragraph no.17 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.”

8. Similarly, in case of **Preeti Gupta and Another Versus State of Jharkhand and Another**, reported in (2010) 7 SCC 667, Hon’ble court held 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.”

9. Yet, in another case of **Geeta Mehrotra and Another Versus State of Uttar Pradesh and Another reported in (2012)**

10 SCC 741 Court observed 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.

10. Applicant nos.3 and 6 are brothers-in-law of respondent no.2. Their role is not specified. Applicant nos.3 and 4 appears to be resident of Beed. FIR does not clarify when they joined demand of the amount. Applicant no. 5 and 6 appears to be staying out of home. Applicant no.7 and 8 are wives of applicant nos.3 and 4. Therefore, no offences can be made out against them jointly or individually. Although, there are allegations that applicant no.9 has raised demand of Rs.8 Lakh, no specifications as to date and time are mentioned in both paragraphs in FIR, but omnibus statements are made. On the basis of aforesaid omnibus allegations, prosecution against applicant no.9 cannot be permitted.

11. In result, Criminal Application is allowed in terms of prayer clauses “B” and “B-1” and **disposed of.**

(S. G. CHAPALGAONKAR, J.)

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