



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.221 OF 2025

1. Chandramani S/o Digamber @ Devdatta Bansode,
Age: 43 years, Occu. Self employed (Brother-in-law)
2. Ashweeni W/o Chandramani Bansode, (Co-sister)
Age: 30 years, Occu. Household,
R/o. Behind Bandhkam Bhavan, Old Ausa Road,
Gopal Nagar, Latur.
Tq. and Dist. Latur. ..Petitioners

Versus

1. State of Maharashtra
Through Police Station Officer,
M.I.D.C. Police Station Latur
Tq. & Dist. Latur.
2. Pallavi W/o Suraj Bansode,
Age: 27 years, Occ. Household,
R/o. Vikram Nagar, Latur.
Tq. & Dist. Latur. Mo. No.: 989076989.... ..Respondents
(Resp. No.2 org. informant)

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Mr. Avinash A. Phad, Advocate for Petitioners
Mr. S. N Kendre, APP for Respondent-State.
Ms. Vishakha V. Bang, Advocate for Respondent No.2 (Appointed).

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 10th APRIL, 2026.**

JUDGMENT:-

1. Rule. Rule made returnable forthwith. By consent of parties, matter is taken up for final hearing at the admission stage.
2. The petitioners seeks quashment of FIR No.83/2025 dated 06.02.2025 registered with M.I.D.C Police Station, Dist. Latur for

offence punishable under Sections 85, 115, 352, 351(2) and 3(5) of Bhartiya Nyaya Sanhita, 2023 and consequential proceeding in R.C.C. No.246/2025 pending before Chief Judicial Magistrate, Latur.

3. The investigation was set in motion on the basis of information given by respondent no.2 alleging that on 11.06.2023 she married with Suraj Bansode. After marriage she resided at matrimonial home. She was treated well for few days after marriage. However, in-laws started teasing her for the reason that she cannot cook well. All of them started insulting her for trifle reasons. She was subjected to physical and mental harassment. Her husband used to say that he do not like her. When she complained about misbehaviour of her husband to her in-laws, they used to blame her. Thereafter, in-laws started demand of money for purchase of house and TV set etc.. Her brother-in-law Chandramani used to abuse her. Although her parents and other relatives intervened, there was no change in behaviour of in-laws. Lastly, she was sent back to maternal home alongwith her brother and asked to bring Rs.10,00,000/-, if she wants to resume.

4. The aforesaid information culminated into registration of FIR. After due investigation, charge-sheet is filed and at present R.C.C. No.246/2025 is pending before CJM, Latur.

5. Mr. Avinash Phad, learned Advocate appearing for petitioners submits that petitioners are **brother-in-law and co-sister of respondent no.2**. Except one line allegation in FIR that petitioner no.1/brother-in-law that he abused her, there is nothing against petitioners. The allegations in FIR are omnibus, unspecific and insufficient to make out any case against petitioners. He would, therefore, urge to allow petition.

6. Per contra, Mr. Kendre, learned APP appearing for respondent-State and Ms. Bang, learned Advocate appearing for respondent no.2 vehemently apposes prayers in petition.

7. Having considered submissions advanced by learned Advocates appearing for respective parties and on perusal of contents of FIR alongwith statements of witnesses recorded during course of investigation, it is discernible that allegations in FIR are omnibus, unspecific and simply states that respondent no.2 was initially ill-treated for trifle reasons and lastly demand of money was raised for purchase of Television and house. In last paragraph, it is said that she was driven out of home and asked to return only if she brings Rs.10,00,000/- from her parents. The averments in FIR are bereft to make out any offence against petitioners. Although there is one line allegation against petitioner no.1 that he abused respondent no.2, particulars of incident are not given. The date, place and reasons for such abuse is not specified.

Even otherwise, allegations in FIR are not supported by statements of witnesses recorded during course of investigation and made part of charge-sheet.

8. 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.”

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

¹ (2010) 7 SCC 667.

² (2022) 6 SCC 599.

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.”

10. 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.”

11. The aforesaid exposition of law would show that misuse of Section 498-A and possibility of over implication needs to be checked by Courts. The present case is an example of over implication. The basis for making petitioners as accused is not clear. The contents of charge-sheet are bereft to make out any offence as against petitioners. In result, this Court finds that case is made out to exercise inherent powers and prevent abuse of process of law. Hence, following order is passed:

ORDER

- a. Criminal Writ Petition is allowed in terms of prayer Clauses (B), (B-1) and (B-2).
- b. Rule is made absolute in above terms.
- c. Since Ms. Vishakha Bang, learned Advocate is appointed through legal aid to represent respondent no.2, the Secretary, High

Court Legal Services Sub-Committee, Aurangabad Bench do pay fees of appointed counsel for respondent no.2 as per schedule.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2026