

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 406 OF 2025

1. Amol S/o Dilip Darve, (Husband)
Age : 39 years, Occu. Tax consultant,
R/o. Indiranagar, Galli No.9, Sangamner,
Tal. Sangamner, Dist. Ahmednagar.
2. Dilip S/o Shivaji Darve, (Father-in-law)
Age. 70 years, Occu. Nil,
R/o. Indiranagar, Galli No.9, Sangamner,
Tal. Sangamner, Dist. Ahmednagar.
3. Minakshi W/o Dilip Darve, (Mother-in-law)
Age. 66 years, Occu. Household,
R/o. Indiranagar, Galli No.9, Sangamner,
Tal. Sangamner, Dist. Ahmednagar.
4. Swati D/o Dilip Darve, (Sister-in-law)
Age. 45 years, Occu. Household,
R/o. Indiranagar, Galli No.9, Sangamner,
Tal. Sangamner, Dist. Ahmednagar. ..Petitioners

VERSUS

1. The State of Maharashtra,
Through the Police Inspector,
Kopargaon Police Station, Kopargaon,
Tal. Kopargaon, Dist. Ahmednagar.
2. Pournima W/o Amol Darve, (Informant)
Age- 29 years, Occu- Housework,
R/o. C/o Ramseh Jayram Dongare,
Gavndi Galli, Shivaji Road, Kopargaon,
Tal. Kopargaon, Dist. Ahmednagar.
Present R/o. Jayhari Kirana Stores, Two Store
Building, Room.2, Motoshri Nagarroad, Jijau Park
Shikshk Colony Jeuar- Patoda Road, Kopargaon,
Tal. Kopargaon, Dist. Ahmednagar. ..Respondents

...

Mr. K.N. Shermale, Advocate for Petitioners.
Mr. N.N. Bhagwat, Advocate for Respondent No.2.
Mr. S.K. Shirse, APP for Respondent/State.

...

CORAM : S. G. CHAPALGAONKAR, J.

RESERVED ON : APRIL 16, 2026

PRONOUNCED ON : APRIL 18, 2026

JUDGMENT :-

1. Rule. Rule made returnable forthwith and heard finally with consent of parties.

2. The petitioners seek to quash FIR No.307/2024 dated 03.07.2024 registered with Kopargaon Police Station, Kopargaon, District Ahmednagar for offences punishable under Sections 3(5), 351(2), 351(3), 352, 85, 86(b) of Bharatiya Nyaya Sanhita, 2023 and proceeding in R.C.C. No.01 of 2025 pending before Judicial Magistrate First Class, Kopargaon, District Ahmednagar.

3. The investigation was set in motion on the basis of information given by respondent no.2. In nutshell, she alleges that on 16.11.2021, she married with petitioner no.1 as per Hindu rites and customs. She was treated well for two months. Later on, her in-laws were teasing her under pretext that marriage was not performed as per their expectation. The dowry was not paid in accordance with their status. Her married sister-in-law was residing at her matrimonial home. Her husband raised demand of Rs.50,000/- for purchase of laptop. When she refused to entertain their demand, they used to abuse and torture her. After birth of daughter, her husband did not come to receive her. On 06.02.2023, her in-laws came at her maternal home and reiterated demand of Rs. 50,000/- for purchase of laptop

and refused to take her back to matrimonial home without fulfillment of demand. The aforesaid information was culminated into registration of FIR. The investigation progressed and finally charge sheet came to be filed. At present, R.C.C. No.01 of 2025 is pending before J.M.F.C., Kopargaon.

4. Mr. Shermale, learned advocate for petitioners submits that petitioners have been falsely implicated in aforesaid crime. The averments in FIR does not constitute offence as alleged. He points out that petitioner no.1 served respondent no.2 with legal notice dated 18.02.2023 for restitution of conjugal rights. Thereafter, H.M.P. No.141 of 2023 was filed in Court of Civil Judge Senior Division at Sangamner. As a counter blast, present FIR has been lodged.

5. Per contra, Mr. S.K. Shirse, learned APP and Mr. N.N. Bhagwat, learned advocate for respondent no.2 submit that there is sufficient material to relegate petitioners for trial. No case is made out to invoke inherent powers of this Court.

6. Having considered submissions advanced by learned advocates appearing for respective parties and upon consideration of material tendered into service, it is discernible that respondent no.2 married with petitioner no.1 on 16.11.2021. On 09.11.2022, couple is blessed with a child. Since birth of child, respondent no.2 is residing at her maternal home. Undisputedly, legal notice was served upon respondent no.2 for restitution of conjugal rights and it was replied by

her. Perusal of contents thereof shows that allegations in FIR are inconsistent to contents of notice. Even otherwise, contents of FIR are vague, omnibus and does not refer to particulars of demand or ill-treatment. Although, FIR is lodged against four accused persons, their roles are not specified. Petitioner no.4 is married sister-in-law. She resides at her matrimonial home. No role is attributed to her in commission of offence. The statements of witnesses referred in charge sheet shows those to be stereotype and sans particulars of ill-treatment.

7. 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.”

8. 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.”

9. 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.”

10. Applying aforesaid principles of law in facts of present case, apparently this is a case of over-implication and misuse of Section 498-A of Indian Penal Code. In result, this Court finds that case is made out to exercise inherent powers under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023.

11. In result, writ petition is allowed in terms of prayer clause (B).

12. Rule is made absolute in above terms.

(S.G. CHAPALGAONKAR, J.)