



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.258 OF 2026**

1. Dineshrao Ganeshrao Deshmukh
Age:- 56 Years, Occ. Business, (Father of sister in law)
 2. Rekhabai Dineshrao Deshmukh
Age:- 52 Years, Occ. Household, (Mother of sister in law)
- Both R/o. Chikhali, Tq. Chikhli,
District Buldhana. ..Applicants

Versus

1. The State of Maharashtra,
Through Police Station Sengaon,
Tq. Sengaon & District Hingoli.
2. Kavita W/o Amrut Deshmukh
Age- 32 Years, Occ.: Household,
R/o Farkande Kasoda, Tq. Erandol,
Dist. Jalgaon,
At present Sengaon, Tq. Sengaon
Dist. Hingoli
Mob.8208325372. ..Respnodents

...

Mr. Y. G. Biradar, Advocate for Applicants.
Mr. S. N. Kendre, APP for Respondent-State.
Mr. M. P. Kale, Advocate for Respondent No.2.

...

**AND
CRIMINAL APPLICATION NO.597 OF 2026**

1. Prabhakar Vinayakarao Deshmukh
Age: 69 years, Occ. : Nil,
R/o. House No. 05, Sai Park,
Behind Central Bank of India, Kasoda
Tq. Erandol Dist. Jalgaon.
 2. Sadashiv Prabhakar Deshmukh
Age: 37 years, Occ.: Govt. Service,
 3. Priyanka W/o Sadashiv Deshmukh,
Age: 33 years, Occ.: Lecturer,
- Both R/o Flat No. 1402,
Floor-14-CSA-1, NA-Tower-1/B,
Dhiraj Enclave Tower, Borivali East,
Mumbai, Post Kandivali East, Dist. Mumbai.

4. Krishanrao S/o Vinayakrao Deshmukh,
Age: 67 years, Occ.: Retired,
5. Bharati W/o Krishnarao Deshmukh,
Age: 60 year, Occ.: Housewife,

Both R/o Sr. No. 26/3/3 Paris Bungalow,
Behind Ram Mandir, Ambegaon Pathar,
Katraj, Pune City.
6. Narayanrao S/o Vinayakrao Deshmukh,
Age: 62 years, Occ.: Retired,
7. Sangita W/o Narayanrao Deshmukh,
Age: 57 years, Occ.: Housewife,

Both R/o Padamalaya Bungalow,
Plot No. 15, Shriram Nagar,
Near Shri Ram Mandir,
Vinay Nagar, Gandhi Nagar, Nashik.
8. Gaurav S/o Krishnarao Deshmukh,
Age: 35 years, Occ.: Education,
R/o Sr. No. 26/3/3 Paris Bungalow,
Behind Ram Mandir, Ambegaon Pathar,
Katraj, Pune City.
9. Ajinkya S/o Narayanrao Deshmukh,
Age: 29 years, Occ.: Business,
R/o Padamalaya Bungalow, Plot No. 15,
Shriram Nagar, Near Shri Ram Mandir,
Vinay Nagar, Gandhi Nagar, Nashik.
10. Dr. Shraddha W/o Ashish Deshmukh,
Age: 34 years, Occ.: Doctor,
R/o House No. 7, Shreetirth Bungalow,
Pote Patil Road, Near Sumangal Provision,
Balaji Nagar, Vidarbha Mahavidyala,
V.M.V. Amravati.
11. Dr. Sayali W/o Omkar Deshmukh,
Age: 32 years, Occ.: Doctor,
R/o SDO Bungalow, Opp. Collector Bungalow,
Near Police Station, Dharashiv.
12. Shobhabai @ Supriya W/o Dadasaheb Kale,
Age: 66 years, Occ.: Nil,

R/o Maruti Chal, Malinagar,
Tq. Malshiras, Dist. Solapur.

13. Baiatya @ Vijaya Wd/o Sudhakar Deshmukh,
Age: 60 years, Occ.: Nil,
R/o Flat No. 04, Bramha, Nashik Pune road,
Opp. Hote Siddharth, Gayatri Nagar,
Dwarka Corner, Nashik.

14. Ajay S/o Madhukarrao Deshmukh,
Age: 58 years, Occ.: Agri,

15. Avinash S/o Madhukarrao Deshmukh
Age: 50 years, Occ.: Business,

Both R/o At Post Sarole (Bk.),
Tq. Pachora, Dist. Jalgaon

Versus

1. The State of Maharashtra,
Through Police Station Sengaon,
Tq. Sengaon & District Hingoli.

2. Kavita W/o Amrut Deshmukh
Age- 32 Years, Occ.: Household,
R/o Farkande Kasoda, Tq. Erandol,
Dist. Jalgaon,
At present Sengaon, Tq. Sengaon
Dist. Hingoli
Mob.9657489689/8208325372.

..Respnodents

Mr. S. B. Rajebhosale, Advocate for Applicants.
Mr. G. O. Wattamwar, APP for Respondent-State.
Mr. M. P. Kale, Advocate for Respondent No.2.

CORAM : S. G. CHAPALGAONKAR, J.
DATED : 06th MARCH, 2026.

ORDER:-

1. The applicants seeks quashment of FIR in Crime
No.521/2025 registered with Sengaon Police Station, Dist. Hingoli
for the offences punishable under Sections 498-A, 323, 504, 506 r/w
Section 34 of Indian Penal Code.

2. The investigation was set in motion on the basis of information given by respondent no.2. She alleges that on 23.05.2019 she married with Amrut Prabhakar Rao Deshmukh. After marriage, her husband used to say that he married with informant only for satisfaction of grandmother and he wish to marry elsewhere. It is further alleged that all accused persons named in FIR teased her saying that she has no cooking skills. There was demand of Rs.10,00,000/- for getting dealership of motorcycle. She was ill-treated on account of such demand. She was persuaded to divorce husband. She informed about ill-treatment to her parents. The meeting of relatives was called, but ill-treatment continued by in-laws. After death of grandmother of husband, in-laws driven her out of home. Since 16.10.2019 she is residing with her parents. Thereafter, she approached Woman Vigilance Committee at Jalgaon and Hingoli and lodged report.

3. The learned Advocates appearing for applicants submits that allegations in FIR are bereft of material to make out offence under Section 498-A of Indian Penal Code. The omnibus and unspecific allegations are made. No particulars of events that constitute ill-treatment are given. No role of any applicants is specified in commission of offence. The present FIR is an example of over implication. There is delay of about six years in lodging FIR. In that view of matter, FIR is liable to be quashed and set aside.

4. Mr. Kale, learned Advocate appearing for respondent no.2 and Mr. Kendre and Mr. Wattamwar, learned APP appearing for respondent-State submits that there are sufficient averments in FIR indicating ill-treatment to informant on account of illegal demand. The veracity or truthfulness of allegations needs to be tested in trial.

5. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that marriage of informant and Amrut Deshmukh solemnized on 23.05.2019. Since 16.10.2019 informant is residing with her parents. The present FIR has been lodged on 01.11.2025. Section 514 of BNSS bars taking cognizance after lapse of period of limitation. Sub-clause (c) of Clause (2) of Section 514 stipulates that period of limitation shall be three years, if offence is punishable with imprisonment for term exceeding one year but not exceeding three years.

6. In present case, all offences attributed are punishable with maximum imprisonment of three years. In this backdrop, if allegations in FIR are accepted to be true and correct, last incident constituting offence is said to have occurred on 16.10.2019. Evidently, no cognizance can be taken by Court as regards to alleged offence on the basis of FIR lodged on 01.11.2025. This

Court, therefore, finds that on this count only FIR and further proceeding is liable to be quashed and set aside.

7. Apart from issue of limitation, if merits of contentions of parties are considered in light of stipulations in FIR it is discernible that as many as 18 persons are made accused, who are relatives or distant relatives of husband. The stipulations in FIR are omnibus. No specific act against any accused is given. The particulars of ill-treatment are absent. The omnibus statements are made attributing demand or ill-treatment. As rightly pointed out by learned Advocates appearing for applicants, accused persons are residing at distant place from matrimonial home of informant. The brother-in-law and his wife are residing at Mumbai. The paternal cousins father-in-law and mother-in-law are residing at Pune and Nashik respectively. The paternal cousin brothers are residing at Pune and Nashik respectively. The paternal cousin sisters are resident of Amravati and Dharashiv. The paternal aunts-in-law are residing at Solapur and Nashik respectively. The maternal uncles-in-law are resident at Jalgaon. It is, therefore, clear that present case is unique example of over implication and misuse of Section 498-A of Indian Penal Code.

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 Another¹, 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 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.”

¹ (2010) 7 SCC 667.

² (2022) 6 SCC 599.

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. In light of exposition of law in aforesaid judgments if facts of present case are considered, this Court finds that this is a fit case for exercise of inherent powers. There is no reason to drive applicants to face trial on the basis of omnibus and unspecific allegations. Patently, FIR is malafide and all near relatives of husband are implicated with intention to wreak vengeance on account of matrimonial dispute. Hence, Criminal Applications are deserves to be allowed.

12. In result, Criminal Applications are allowed in terms of prayer Clauses (A) and (B).

(S. G. CHAPALGAONKAR)
JUDGE