

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1022 OF 2024

Mahadev Dnyanoba Jadhav and ors. : Applicants
versus
State of Maharashtra and anr. : Respondents

Mr. Abhishek Kulkarni a/w Mr. Sagar Wakale for the
Applicants.

Ms. Shilpa G Talhar, APP for the Respondent/State.

Mr. Aniket Nangare i/by Adv. Saleel Borwankar for the
Respondent No.2..

CORAM : ASHWIN D. BHOBE, J.

DATED : 24 FEBRUARY 2026

PC:-

1. Heard Mr. Abhishek Kulkarni, learned Advocate for the Applicants, Ms. Shilpa Talhar, learned APP for the Respondent/State, and Mr. Aniket Nangare, learned Advocate for Respondent No. 2.

2. This application under Section 482 of the Criminal Procedure Code is filed by the Applicants to quash the FIR No. 0086 of 2024, registered at Wakad Police Station, District Pune, for offences punishable under Sections 498A, 323, 504 read with 34 of the Indian Penal Code ('impugned FIR').

3. The material facts relevant to the present Application are that there is matrimonial disagreement between the Applicant No.1 (husband) and the Respondent No.2 (wife). This discord prompted the Respondent No.2 to file a complaint dated 27 January 2024 with the Wakad Police Station, District Pune, alleging offences under Sections 498A, 323, and 504 read with 34 of the Indian Penal Code against not only the Applicant No.1 but also the Applicant No.2 (mother-in-law) and the Applicant No.3 (father-in-law).

4. The undisputed facts between the Applicants and Respondent No.2 are that the marriage of Applicant No.1 with Respondent No.2 was solemnised on 23 May 2019. From this marriage, Applicant No.1 and Respondent No.2 have a daughter born on 20 May 2020. Complaints and counter-complaints regarding matrimonial discord are alleged to have been filed by both the Applicants and Respondent No.2.

5. The Respondent No.2 filed proceedings before the Judicial Magistrate First Class, Mukhed, Dist. Nanded (Magistrate), under the Protection of Women from Domestic Violence Act, 2005 (PwDV Act 2005), registered as PWD VA No.06/2023, against the Applicants, with allegations similar to those in the impugned FIR. It appears that the dispute between the parties before the Magistrate was settled, leading the Respondent No.2 to seek the withdrawal of the domestic violence proceedings.

6. The Magistrate, by order dated 11 December 2023, disposed of the domestic violence proceedings bearing PWD VA No.06/2023, filed by Respondent No.2. The said order dated 11 December 2023 reads as follows :-

“Perused the record. The applicant has filed pursis (Exh.9) contending therein that, the dispute between them is amicably settled. The applicant is ready to cohabit with non-applicant and hence she does not want to proceed with the present application. The court minutely perused the pursis, which is signed by the applicant. It appears that applicant intend to voluntarily withdraw the proceeding. Considering pursis (Exh.9) I proceed to pass following order :-

ORDER

The case is disposed off as withdrawn.

Place : Mukhed	sd/-
Date 11.12.2023	(M.S.Poul)
	Judicial Magistrate First Class
	Mukhed, Dist. Nanded”

7. It seems that the matrimonial conflict between the Applicant No.1 and the Respondent No.2 was not fully settled. This prompted Respondent No. 2 to file the complaint dated 24 January 2024, leading to the registration of the impugned FIR. The FIR summarizes the dispute between the parties as follows: -

"मी दि. 26/12/2023 रोजी मुखेड न्यायालयात दाखल केलेली पोटगीचा दावा मागे घेतला व तसे माझ्या पतीचे दाजी वसंत विलासपुरे यांना कळविले असता त्यांनी तुम्ही महादेवच्या घरी जावा असे म्हणाले. त्याप्रमाणे आम्ही दि.8/01/2024 रोजी पुण्यामध्ये आलो परंतु माझ्या पतीने फ्लॅट चेंज केल्यामुळे नविन फ्लॅट मला माहित नसल्याने मी माझे नातेवाईकांसह माझ्या पतीच्या काळेवाडी पुणे येथील लॅबवर गेलो परंतु माझे पती मला भेटायला तयार नाही. तसेच त्यांनी आमचे मोबाईल क्रमांक ब्लॉक केले आहे. आम्ही दि.08/01/2024 रोजी पासून अद्यापपर्यंत माझ्या पतीच्या लॅबवर जात आहे परंतु ते आम्हाला भेटण्याचे टाळत असल्याने मी आज रोजी माझे पती व सासु-सास-यांचे त्रासाला कंटाळून त्यांचेविरुद्ध कायदेशीर तक्रार देत आहे.

तरी दि. 23/05/2019 रोजी ते अद्यापपर्यंत माझे पती महादेव ज्ञानोबा जाधव वय 35 वर्षे रा. फ्लॅट नं 403, साई आंगण सोसायटी, थेरगांव, पुणे मुळपत्ता उदगीर लातूर मो.नं 9975644203, सासु दैवशाला जानोबा जाधव वय 50 वर्षे रा. सदर व सासरे ज्ञानोबा गोविंदराव जाधव वय 60 वर्षे रा. सदर यांनी आपआपसात संगणमत करून मला घरगुती कारणावरून, मुलगी झाल्याचे कारणावरून तसेच नविन व्यवसाय सुरु करण्यासाठी व नविन फ्लॅट खरेदी करण्यासाठीमाहेरून 20 लाख रुपयांची मागणी करून मी त्यांना नकार दिल्यावर मला वारंवार शिवीगाळ व मारहाण करून

माझा शारिरिक व मानसिक छळ केला म्हणुन माझी
त्यांचे विरुध्द कायदेशीर तक्रार आहे"

8. Mr. Abhishekh Kulkarni, learned Advocate for the Applicants, submits that the allegations in the impugned FIR do not constitute any offence, much less the offences charged against the Applicants. He states that, at most, the alleged offence would be a tiff between husband and wife. He further submits that after the registration of the impugned FIR, Respondent No. 2 has instituted fresh proceedings under the PwDV Act 2005. The Applicants are contesting these proceedings under the PwDV Act 2005 before the Magistrate. He submits that there are no allegations against Applicant Nos. 2 and 3 that could implicate them in the impugned FIR.

9. Mr. Aniket Nangare, learned Advocate for Respondent No.2, submits that Respondent No.2 and Applicant No.1 resolved their matrimonial dispute before the Magistrate in the domestic violence proceedings bearing No. PWD VA No.06/2023, which led Respondent No.2 to file a pursis (Exhibit-9) in those proceedings. He states that the proceedings were disposed of based on the pursis filed by Respondent No.2. He further claims that, despite the assurance given by Applicant No.1 to cohabit with Respondent No.2, the latter did not honour this promise. He argues that, for various reasons, Applicant No.1 has denied Respondent

No.2 the right to cohabit. He explains that, due to Applicant No. 1's breach of commitment, Respondent No.2 had no choice but to file a police complaint. Additionally, he states that Respondent No. 2 has also filed proceedings under the PwDV Act, 2005, alongside the police complaint. Furthermore, he mentions that the Magistrate has passed an interim order under Section 23 of the PwDV Act, 2005, granting interim maintenance to Respondent No.2.

10. Mr. Aniket Nangare, learned Advocate for Respondent No.2, was unable to identify any allegations against Applicant Nos. 2 and 3 in the complaint or impugned FIR, especially after the withdrawal of the initial domestic violence proceedings.

11. Ms Shilpa Talhar, learned APP for the Respondent/State, submits that the subject matter of the impugned FIR appears to be a matrimonial dispute between the Applicant No. 1 and the Respondent No. 2.

12. Arguments heard. Perused the records.

13. The subject of the impugned FIR appears to be a trivial matrimonial dispute between Applicant No.1 and Respondent No.2. The dispute seems to concern the duties of husband and wife and their failure to fulfil them. The main grievance raised in the impugned FIR by Respondent No. 2 is that

Applicant No.1 did not meet his commitments to cohabit with Respondent No.2. Such a grievance neither justifies registering an FIR nor constitutes a criminal offence.

14. “Cruelty” alone is not enough to establish an offence under section 498(A) of the IPC. It must be committed with the intent to cause serious injury, compel the victim to commit suicide, or inflict serious harm on herself. “Harassment” as used in the said section means to force the woman or any person related to her to meet any unlawful demand for any property or valuable security and to harass her for non-fulfillment of such demands.

15. The allegations in the impugned FIR against the Applicants are vague, general, and omnibus, and are entirely insufficient to establish cruelty under section 498(A) of the IPC. Applicant No. 1 is implicated in the crime without any valid reason.

16. The ingredients of Sections 323 and 504 of the Indian Penal Code, 1860, are absent in the impugned FIR.

17. In the case of **Kahkashan Kausar alias Sonam and others Vs. State of Bihar and others**¹, the Hon’ble Supreme Court in paragraph nos 10 to 17 has observed as follows :-

10. *Having perused the relevant facts and contentions made by the appellants and respondents, in our*

¹ (2022) 6 SCC 599

considered opinion, the foremost issue which requires determination in the instant case is whether allegations made against the appellant in-laws are in the nature of general omnibus allegations and therefore liable to be quashed?

11. *Before we delve into greater detail on the nature and content of allegations made, it becomes pertinent to mention that incorporation of Section 498-AIPC was aimed at preventing cruelty committed upon a woman by her husband and her in-laws, by facilitating rapid State intervention. However, it is equally true, that in recent times, matrimonial litigation in the country has also increased significantly and there is a greater disaffection and friction surrounding the institution of marriage, now, more than ever. This has resulted in an increased tendency to employ provisions such as Section 498-AIPC as instruments to settle personal scores against the husband and his relatives.*

12. *This Court in its judgment in Rajesh Sharma v. State of U.P. [Rajesh Sharma v. State of U.P., (2018) 10 SCC 472 : (2019) 1 SCC (Cri) 301] , has observed : (SCC pp. 478-79, para 14)*

“14. Section 498-A was inserted in the statute with the laudable object of punishing cruelty at the hands of husband or his relatives against a wife particularly when such cruelty had potential to result in suicide or murder of a woman as mentioned in the Statement of Objects and Reasons of Act 46 of 1983. The expression “cruelty” in Section 498-A covers conduct which may drive the woman to

commit suicide or cause grave injury (mental or physical) or danger to life or harassment with a view to coerce her to meet unlawful demand. [Explanation to Section 498-A.] It is a matter of serious concern that large number of cases continue to be filed under Section 498-A alleging harassment of married women. We have already referred to some of the statistics from the Crime Records Bureau. This Court had earlier noticed the fact that most of such complaints are filed in the heat of the moment over trivial issues. Many of such complaints are not bona fide. At the time of filing of the complaint, implications and consequences are not visualised. At times such complaints lead to uncalled for harassment not only to the accused but also to the complainant. Uncalled for arrest may ruin the chances of settlement.”

13. *Previously, in the landmark judgment of this Court in Arnesh Kumar v. State of Bihar [Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273 : (2014) 3 SCC (Cri) 449] , it was also observed : (SCC p. 276, para 4)*

“4. There is a phenomenal increase in matrimonial disputes in recent years. The institution of marriage is greatly revered in this country. Section 498-AIPC was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-AIPC is a cognizable and non-bailable offence has lent it a dubious place of pride amongst the provisions that are used as weapons rather than shield by disgruntled

wives. The simplest way to harass is to get the husband and his relatives arrested under this provision. In quite a number of cases, bedridden grandfathers and grandmothers of the husbands, their sisters living abroad for decades are arrested.”

14. *Further in Preeti Gupta v. State of Jharkhand [Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667 : (2010) 3 SCC (Cri) 473] , it has also been observed : (SCC pp. 676-77, paras 32-36)*

“32. It is a matter of common experience that most of these complaints under Section 498-AIPC 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 is also a matter of serious concern.

33. The learned members of the Bar have enormous social responsibility and obligation to ensure that the social fibre of family life is not ruined or demolished. They must ensure that exaggerated versions of small incidents should not be reflected in the criminal complaints. Majority of the complaints are filed either on their advice or with their concurrence. The learned members of the Bar who belong to a noble profession must maintain its noble traditions and should treat every complaint under Section 498-A as a

basic human problem and must make serious endeavour to help the parties in arriving at an amicable resolution of that human problem. They must discharge their duties to the best of their abilities to ensure that social fibre, peace and tranquillity of the society remains intact. The members of the Bar should also ensure that one complaint should not lead to multiple cases.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualised by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.

35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different

complexion. The allegations of the complaint are required to be scrutinised with great care and circumspection.

36. Experience reveals that long and protracted criminal trials lead to rancour, acrimony and bitterness in the relationship amongst the parties. It is also a matter of common knowledge that in cases filed by the complainant if the husband or the husband's relations had to remain in jail even for a few days, it would ruin the chances of an amicable settlement altogether. The process of suffering is extremely long and painful.”

15. In Geeta Mehrotra v. State of U.P [Geeta Mehrotra v. State of U.P, (2012) 10 SCC 741 : (2013) 1 SCC (Civ) 212 : (2013) 1 SCC (Cri) 120] it was observed : (SCC p. 749, para 21)

“21. It would be relevant at this stage to take note of an apt observation of this Court recorded in G.V Rao v. L.H.V. Prasad [G.V. Rao v. L.H.V. Prasad, (2000) 3 SCC 693 : 2000 SCC (Cri) 733] wherein also in a matrimonial dispute, this Court had held that the High Court should have quashed the complaint arising out of a matrimonial dispute wherein all family members had been roped into the matrimonial litigation which was quashed and set aside. Their Lordships observed therein with which we entirely agree that : (SCC p. 698, para 12)

‘12. ... There has been an outburst of

matrimonial dispute in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their “young” days in chasing their cases in different courts.’

The view taken by the Judges in this matter was that the courts would not encourage such disputes.”

16. Recently, in *K. Subba Rao v. State of Telangana* [*K. Subba Rao v. State of Telangana*, (2018) 14 SCC 452 : (2019) 1 SCC (Cri) 605] , it was also observed that : (SCC p. 454, para 6)

“6. ... The courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband

should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out.”

17. The abovementioned decisions clearly demonstrate that this Court has at numerous instances expressed concern over the misuse of Section 498-AIPC 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.”

18. It appears that Respondent No. 2 has implicated Applicant Nos. 2 and 3 in the matter to settle a score with the Applicants. Allegations against the Applicant Nos. 2 and 3 are vague. Allegations against them do not constitute any offence as alleged.

19. Considering the above facts and the pronouncements of the Hon’ble Supreme Court in the decision referred to hereinabove, no case to attract the ingredients of the sections charged against the Applicants is made out. The ingredients of the offences under 498A, 323, 504, read with 34 of the Indian Penal Code, are not established. This is a fit case to exercise

power in accordance with the principles laid down by the Hon'ble Supreme Court in the case of State of Haryana Vs. Bhajan Lal².

20. In view of above, this Criminal Application No.1022 of 2024 is allowed in terms of prayer clause (c). Consequently, the impugned FIR bearing 0086 of 2024 registered with the Wakad Police Station, District Pune, is quashed.

21. The Applicants and Respondent No. 2 are present before the Magistrate in domestic violence proceedings bearing No. PWD VA No.06/2023. The Magistrate will consider Respondent No. 2's rights to residence orders (section 19 of the PwDV Act 2005) and other related matters in the pending proceedings. It is clarified that the observations and findings made herein above are restricted to the impugned FIR, and the proceedings under domestic violence pending before the Magistrate shall be considered on their own merits and in accordance with law.

22. Petition disposed of . No orders as to cost.

(ASHWIN D. BHOBE, J.)

² 1992 Supp (1) SCC 335