

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 302 OF 2025

Shashikant Ramkrushna Gajbe & Ors. ...Applicants

Versus.

The State of Maharashtra & Anr. ...Respondents

Mrs. Daksha Madhav Punghera a/w Mr. Abhijeet Desai, Ms. Mohini Rehpade, Mr. Karan Gajra, Mr. Vijay Singh, Ms. Sanchita Sontakke & Mr. Deepesh Ramrakyani i/b Legal Desai, learned Advocates for the Applicants.

Mr. Tanveer G. Khan, learned A.P.P. for the State/Respondent.
Mr. Prashant Thombre, learned Advocate for Respondent No. 2.
API Mr. Darshan Patil attached to Kolshewadi Police Station is present in the Court.

**CORAM : ASHWIN D. BHOBE, J.
DATE : 16th MARCH 2026.**

P.C. :

1. Heard Mrs. Daksha Punghera, learned Advocate for the Applicants, Mr. Tanveer Khan, learned A.P.P. for the State/Respondent and Mr. Prashant Thombre, learned Advocate for Respondent No. 2.

2. This Criminal Application is filed by the Applicants under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking to quash the First Information Report bearing No. 85 of 2025 dated 27.01.2025, registered with Kolsewadi Police Station, Thane City, for offences punishable under Sections 498-A,

504, and 506 read with 34 of the Indian Penal Code, 1860 (“Impugned FIR”), and the charge-sheet registered as Regular Criminal Case No. 246 of 2025 pending before the learned Judicial Magistrate First Class, Kalyan, arising from the impugned FIR.

3. Applicant No. 1 is the husband of Respondent No. 2. Their marriage was solemnized on 14.02.2023. Applicant No. 2 is the mother-in-law, while Applicant Nos. 3 to 5 are the sisters-in-law of Respondent No. 2. The fact that the marriage of Applicant No. 1 with Respondent No. 2 lasted for 5 months, from 14.02.2023 to 11.07.2023, and that Respondent No. 2 left her matrimonial home on 11.07.2023, is not in dispute.

4. The impugned FIR was registered on 27.01.2025 based on a complaint by Respondent No. 2. In her complaint, Respondent No. 2 states that a demand of Rs. 1,00,000/- was made by the family of Applicant No. 1 as dowry; that the fact that the father of Applicant No. 1, who was suffering from cancer, was neither disclosed before nor at the time of marriage to Respondent No. 2; and that Applicant Nos. 3 to 5 (sisters-in-law) used to visit the matrimonial home with their children. Based on these allegations, Respondent No. 2 has claimed to have been harassed and, as such, an offence under Sections 498-A, 504 & 506, read with Section 34 of the IPC, has been registered against the Applicants.

5. Mrs. Daksha Punghera, learned Advocate for the Applicants, contends that the claim of dowry and harassment made by Respondent No. 2 against the Applicants is motivated by ill intentions. She submits that an amount of Rupees one lakh, which

was the cash given by the relatives of Respondent No. 2 on the wedding day and deposited in the bank, is the amount that the in-laws of Applicant No. 1 transferred to Applicant No. 1. She refers to a letter placed on record to support her statement. She submits that even if the allegations are considered, they are vague and omnibus. She submits that there are no specific allegations of the Applicant's ill-treatment or physical abuse of Respondent No. 2. She submits that the involvement of the relatives of Applicant No.1 is malicious and intended to harass Applicant No.1. She submits that the impugned FIR does not disclose any cognizable offence. She relies on the decisions in the cases of *Dara Lakshmi Narayana and Others v/s. The State of Telangana and Another*¹ and *Digambar and Another v/s. The State of Maharashtra and Another*².

6. Mr. Prashant Thombre, the learned Advocate for Respondent No. 2, submits that the amount of Rs. 1,00,000/- transferred to the bank account of Applicant No. 1 was paid as dowry. He states that Respondent No. 2's mental peace was disturbed because Applicant No. 1 was having an extramarital affair. To support this claim, he refers to the accident mentioned in the impugned FIR. For clarification, he explains that Applicant No. 1 resides in Yavatmal, whereas the accident involving Applicant No. 1 occurred while travelling by bus on the Samruddhi Highway towards Pune. According to Mr. Prashant Thombre, this incident suggests the Respondent No. 2's suspicion that Applicant No. 1 was travelling to Pune to meet another woman.

7. Heard arguments and perused the records with the assistance

1. (2025)3 Supreme Court Cases 735.

2. 2024 SCC OnLine SC 3836.

of learned Advocates of the parties.

8. Section 498(A) of the IPC has two components, namely that the husband or a relative of the husband should subject the woman to cruelty. Such “cruelty” means willful conduct that is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health. “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.

9. Apart from a vague statement that Rs. 1,00,000/- was transferred to the bank of Applicant No. 1 as dowry, there are no other allegations of demands or requests for additional amounts by Applicant No. 1 or the other Applicants, nor any instigation by Applicant Nos. 2 to 5. Mrs. Daksha Punghera is justified in her contention that the Respondent No. 2 has attempted to disguise the amount transferred into Applicant No. 1’s bank account as dowry.

10. A plain reading of the impugned FIR reveals marital disharmony between Respondent No. 2 and Applicant No. 1, seemingly based on Respondent No. 2’s suspicion that Applicant No. 1 is involved in an extramarital affair. Although the FIR does not mention or specify such an allegation, Mr. Prashant Thombre, during his arguments, attempted to connect the accident involving Applicant No. 1 to a trip allegedly taken by him to meet the woman he is accused of having an extramarital relationship with. This contention of Mr. Prashant Thombre, unsupported by the impugned FIR or any evidence collected during the investigation, and

developed during arguments, cannot be entertained and is therefore rejected.

11. In the case of ***Kahkashan Kausar alias Sonam And Others v/s. State of Bihar and Others***³, 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 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-A IPC 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-A IPC 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

3. (2022)6 Supreme Court Cases 599.

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.”

12. The Hon’ble Supreme Court in the case of ***Dara Lakshmi Narayana and Others*** (*supra*), in paragraph nos. 27 & 29 to 31 has held as follows :-

“27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. In the present case, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

29. We find that the High Court noted that there were also allegations against Respondent 2 and matrimonial disputes are pending between the parties. Therefore, the High Court came to the conclusion that custodial interrogation of the appellants was not necessary and protected the personal liberty of the appellants directing the investigating officer not

to arrest the appellants till the completion of the investigation and filing of the charge-sheet. Albeit the said findings and observations, the High Court ultimately refused to quash the criminal proceedings against the appellants.

30. *The inclusion of Section 498-A IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498-A IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinised, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498-A IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.*

31. *We are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498-A IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant, husband of the second respondent herein, a complaint under Section 498-A IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.”*

13. In the case of ***Dara Lakshmi Narayana and Others*** (*supra*), the Hon'ble Supreme Court in paragraph nos. 20, 26, 27, 33 & 34, has observed as follows :-

“20. A bare perusal of the FIR shows that the allegations made by Respondent No. 2 are vague and omnibus. Other than claiming that Appellant 1 harassed her and that Appellants 2 to 6 instigated him to do so, Respondent 2 has not provided any specific details or described any particular instance of harassment. She has also not mentioned the time, date, place or manner in which the alleged harassment occurred. Therefore, the FIR lacks concrete and precise allegations.

26. Insofar as Appellants 2 to 6 are concerned, we find that they have no connection to the matter at hand and have been dragged into the web of crime without any thyme or reason. A perusal of the FIR would indicate that no substantial and specific allegations have been made against Appellants 2 to 6 other than stating that they used to instigate Appellant 1 for demanding more dowry. It is also an admitted fact that they never resided with the couple, namely, Appellant 1 and Respondent 2 and their children. Appellants 2 and 3 resided together at Guntakal, Andhra Pradesh. Appellants 4 to 6 live in Nellore, Bengaluru and Guntur, respectively.

27. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members.

In the present case, Appellants 2 to 6, who are the members of the family of Appellant 1 have been living in different cities and have not resided in the matrimonial house of Appellant 1 and Respondent 2 herein. Hence, they cannot be dragged into criminal prosecution and the same would be an abuse of the process of the law in the absence of specific allegations made against each of them.

33. *Further, this Court in Preeti Gupta v. State of Jharkhand held that 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 by the husband's close relatives 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 complainant are required to be scrutinised with great care and circumspection.*

34. *We, therefore, are of the opinion that the impugned FIR No. 82 of 2022 filed by Respondent 2 was initiated with ulterior motives to settle personal scores and grudges against Appellant 1 and his family members i.e. Appellants 2 to 6 herein. Hence, the present case at hand falls within Category (7) of illustrative parameters highlighted in Bhajan Lal⁴. Therefore, the High Court, in the present case, erred in not exercising the powers available to it under Section 482 CrPC and thereby failed to prevent abuse of the Court's process by continuing the criminal prosecution against the appellants."*

14. In the case of ***Digambar and Another*** (*supra*), the Honble Supreme Court in paragraph nos. 18 & 30, has observed as follows :-

"18. The ingredients for an offence to be made out under Section 498-A of IPC require that there has to be cruelty inflicted against the victim which either drives her to commit

4. State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426.

suicide or cause grave injury to herself or lead to such conduct that would cause grave injury or danger to life, limb or health. The second part of this Section refers to harassment with a view to satisfy an unlawful demand for any property or valuable security raised by the husband or his relatives. In the present case, no allegations which would fulfill the requirement of the second part are found.

30. In the present case also, as discussed above, the facts when taken at face value, do not reveal any specific instance of cruelty committed by the appellants herein. In our view, only stating that cruelty has been committed by the appellants herein due to some reason, would not amount to the offence under Section 498-A of IPC being attracted. The next allegation regarding a specific incident relating to the miscarriage being caused by the appellants herein has also been discussed above. A bare perusal of the allegation and the analysis of the same when compared with the statement of the Doctor reveals that even if the allegations are accepted at the face value, it would not prima facie make out a case against the present appellants.”

15. Records of the case do not specify any instances or events in which Respondent No. 2 faced harassment from Applicant Nos. 2 to 5. Applicant Nos. 3 to 5 are involved in the FIR for visiting the matrimonial home. Not revealing an illness of the father-in-law is claimed by Respondent No. 2 as harassment. The allegations in the impugned FIR and the material forming part of the charge sheet, regarding harassment for dowry, cruelty, are general, omnibus, and vague, and wholly insufficient to constitute cruelty within the meaning of Section 498(A) of the IPC.

16. There is no material on record that constitutes the ingredients of sections 504 and 506 of the IPC. Mr. Prashant Thombre was unable to find any material in the record to establish

the offences punishable under those sections.

17. The impugned FIR gives the impression that Respondent No. 2 has tried to drag the relatives of Applicant No. 1 into criminal prosecution to settle a score with Applicant No.1 .

18. Considering the facts mentioned above and the pronouncements of the Hon'ble Supreme Court, this is a fit case to exercise the powers under Section 528 of the BNSS to prevent abuse of the process of law.

19. In view of the above, this Criminal Application is allowed in terms of prayer clauses (a) & (a1). Consequently, the impugned FIR and the charge-sheet arising from the impugned FIR are quashed.

20. In the facts and circumstances of the present case, there shall be no order as to costs.

21. Criminal Application No. 302 of 2025 is disposed of.

[ASHWIN D. BHOBE, J.]

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