



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO. 09 OF 2024

APPLICANTS:

- 1] Prakash s/o Dnyaneshwarrao Najare,
Aged about 70 years, Occu: Retired.
(FATHER IN LAW)
- 2] Vijayalaxmi w/o Prakash Najare,
Aged about 62 years, Occu: Housewife,
(MOTHER IN LAW)

Applicant Nos.1 and 2 Both are residing
at Plot No.505, C-Wing, Om Green Ridge
Society, Near Padmavati Nagar Gate,
Next to Bolinj Naka, Virar West,
Dist. Palghar, 401303.

- 3] Ishwar s/o Gyanobaraao Nazare,
Aged about 66 years, Occu: Retired.

(UNCLE OF THE HUSBAND OF THE
RESPONDENT NO.2)

- 4] Alka w/o Ishwar Nazare,
Aged about 60 years, Occu: Housewife

(AUNT OF THE HUSBAND OF THE
RESPONDENT NO.2)

Both Applicant Nos. 3 and 4 residing at
Plot No. 601(B), Ambika Residency
Co-operative Society, Malad West,
Mumbai.

- 5] Dr. Deepali w/o Harendra Goje,
Aged about 40 years, Occu: Retired,
R/o B-303, The CELEST, Near Lanka
Ground, Gajuwaka Tq. and District

Vishakhapatnam.
(MARRIED SISTER-IN-LAW OF
RESPONDENT NO.2)

...V E R S U S...

- NON-APPLICANTS** 1] State of Maharashtra,
through Police Station Officer, Police
Station, Ballarpur, District Chandrapur.
- 2] Nilima w/o Pratik Najare,
Aged about 34 Years, Occu: Dentist,
C/o Diliprao Parsotwar, Near Swapnil
Kirana Store, Dr. Zakir Husain Ward,
Ballarpur, Tah. Ballarpur,
District Chandrapur.

Mr. Amit V. Band, counsel for applicants.

Ms S.V. Kolhe, APP for non-applicant/State.

Mr Bharat C. Chandrakapure, counsel for non-applicant No.2.

CORAM : PRAVIN S. PATIL, J.

DATE OF RESERVE : 20/01/2026

DATE OF DECISION: 30/01/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of learned counsel Mr. Amit V. Band for the applicants, Ms. S.V. Kolhe learned APP for non-applicant/State and Mr. Bharat C. Chandrakapure, counsel for non-applicant No.2, the application is taken up for final hearing at the stage of admission.

2. Applicants herein are the father-in-law, mother-in-law

uncle of the husband of non-applicant No.2, aunt of the husband of non-applicant No.2 and married sister-in-law of non-applicant No.2.

3. The applicants, by way of the present application came with the submission that the allegations which are levelled by the non-applicant No.2 in her complaint and the material collected during investigation by the investigating officer do not constitute the offence under Section 498-A of the Indian Penal Code, 1860 against the present applicants.

4. According to applicants, they have unnecessarily dragged into the criminal offence and therefore, their case falls under the Category-7 as laid down by the Hon'ble Supreme Court of India in the case of ***State Of Haryana And Ors vs Ch. Bhajan Lal And Ors AIR 1992 SC 604***, wherein the Hon'ble Supreme Court has held that this Court can exercise its jurisdiction under Section 482 of the Code of Criminal Procedure where the criminal proceeding is manifestly attended with malafide intention and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

5. The non-applicants have strongly opposed the present application. According to them, the material collected during the investigation and the statements recorded by the Investigating Officer clearly establish the fact that allegations made by the non-applicant No.2 are found to be true and correct. Therefore, it is not

a fit case for interference of this Court by invoking the powers under Section 482 of the Code of Criminal Procedure. Hence, non-applicants have prayed for dismissal of the present application.

6. As per the prosecution case, the present non-applicant No.2, who was a practicing doctor at the time of marriage and is well educated, lodged complaint to the police station alleging that the present applicants are giving her ill-treatment physically as well as mentally and also demanded dowry.

7. It is further alleged that by the non-applicant No.2 that on 12/04/2022 at around 9.00 p.m. when she reached home from her job, she asked the applicant/husband as to when he would purchase a cupboard. At that time, her husband has brutally beaten her and asked the non-applicant where she has kept the ornaments given to her by her mother. So also, it is alleged that she was locked in the room and a police complaint was lodged against her at Arnala Sangali Police Station. He further alleged that she was regularly taunted by her mother-in-law.

8. The non-applicant No.2 have stated that on 27/06/2022, she went with her parents at Tirupati, and since then, she is residing with her parents. According to her, applicant/husband never came to take her back, though she is interested to cohabit with him. On 05/01/2023, she went to house of applicant No.1, but she was not allowed to enter into the house, and therefore, she lodged the complaint in the matter.

9. During the course of investigation, the statement of the non-applicant No.2 was recorded, and she has reiterated the allegations, which she has made in her complaint to the police station.

10. As such, in the background of above said allegations, the offence under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code, 1860, came to be registered against the present applicants, who are admittedly the relatives of the husband.

11. From the complaint and the statements recorded by the investigating officer, it seems that major allegations are levelled against the husband. However, the husband is not an applicant before this Court. The only allegation against the applicant Nos. 1 and 2 is that they used to taunt her and make demands of dowry. Except these vague allegations, there are no specific allegations against the present applicants.

12. The learned counsel for present applicants have pointed out from the record that, from time to time, the husband as well as applicant Nos.1 and 2 even neighbors had lodged police complaints against the behaviour of the non-applicant No.2. These documents, clearly establish that the non-applicant No.2 was quarrelsome in nature and therefore, her allegations cannot be accepted as true and correct.

13. The applicants have specifically relied upon the

complaint dated 20/04/2022, which was lodged by the applicant Nos. 1 and 2 to the Women's Cell, Kandiwali Police Station. In the said complaint, it was pointed out that on trivial issues, non-applicant No.2 used to quarrel with them, and thereby they are facing health issues.

14. It is specifically stated in the said complaint on 12/04/2022, they heard about quarrel between non-applicant No.2 with her husband. In the said quarrel, there was injury to her hand due to throwing of bottle of room freshener and the blood was oozing from her hand. At that time, when the applicant Nos. 1 and 2 tried to help her, she opposed and restraint the applicants from providing help to her. At that time, applicant No.1 caused physical injury to her shoulder. As such, the report was made by the applicants to the authority. The said incident was also reported by the husband of non-applicant No.2 to the police station. Accordingly, they were called to the police station on 16/04/2022. After visiting the police station, they were served with notice under Section 149 of the Code of Criminal Procedure. Thus, it is the contention that non-applicant No.2 was habitual of making wrong allegation and quarrelsome nature.

15. It is also pointed out that there is matrimonial dispute is raised by the husband of non-applicant No.2 and same is pending before the Civil Judge, Senior Division, Vasai. Additionally, one Criminal Application No.399/2023 filed under Section 190 of the Code of Criminal Procedure for the offence punishable under Section 384, 323, 504, 506 of the Indian Penal

Code, 1860 against the non-applicant No.2. This facts fortify the submission of applicants and justify the fact that non-applicant No.2 is a quarrelsome nature.

16. In the background of the above said factual position and perusal of the complaint, I have gone through the allegations made by non-applicant No.2, which I found vague and omnibus. Apart from alleging that husband harassed her and that the present applicants, who are relatives, instigated him, there are no any specific allegations against them. The perusal of the complaint and the record shows that non-applicant No.2 failed to provide any specific details or describe any particular instance of harassment, including the time, date, place or manner in which the alleged harassment occurred. Therefore, the complaint as well as the statements recorded by the investigating officer lack concrete and precises allegations in the matter.

17. It is pertinent to note that the present applicants are the relatives of the husband. As observed by the Hon'ble Supreme Court of India in a catena of judgments that, there is a tendency of involving the relatives of the husband in the criminal litigation, the Court must take pragmatic realities into consideration while dealing with matrimonial cases. It is necessary to look into the factual aspect whether the relatives of the husband it was practically possible to attend the house of the complainant repeatedly, if they are residing at another place.

18. Here, in the present case, the applicant Nos. 1 and 2

are residing at Virar West, District Palghar. Applicant Nos. 3 and 4 are residing at Malad West, Mumbai and applicant No.5 at Gajuwaka, Tq. and District Vishakhapatnam. Therefore, it is practically not possible for them to attend the house of complainant daily with an intention to instigate the husband to cause harassment to the applicant. Generally, such distant relatives do not interfere in day-to-day family affairs unless specifically called upon. Therefore, in my opinion continuing the criminal trial against the applicants on such general and sweeping allegations, would be nothing but abuse of process of Court of law.

19. In my opinion, after considering the matter, there is no grain of truth in the allegations of the non-applicant No.2 against the present applicants. It is clear that only with an oblique motive and to involve all the family members in the criminal offence, their names were added in the complaint. Therefore, indulgence of this Court is necessary in the matter. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
- b] The proceedings bearing Regular Criminal Case No. 208/ 2023 pending before the Judicial Magistrate First Class, Ballarpur, District Chandrapur for the offence punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code, 1860, along with charge-

sheet No. 239/2023 dated 22/09/2023 in crime No. 550/2023 dated 09/06/2023, is hereby quashed and set aside.

20. Rue is made absolute in the aforesaid terms. No order as to costs.

(PRAVIN S. PATIL, J.)