



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

CRIMINAL APPLICATION (APL) NO.45/2024

1. Anusaya Suresh Thorat,
Aged about 65 years,
Occ- Household,
2. Jyoti Suresh Thorat,
Aged about 61 years,
Occ.: Household,
3. Bebinanda Suresh Thorat
Aged 45 years
4. Rajesh Suresh Thorat
Aged 40 years
5. Jyoti Rajesh Thorat
Aged 40 years
6. Vanita Kishor Zombade
Aged 40 years

All R/o Gajanan nagar,
Amravati
Tq. Dist. Amravati.
7. Ramesh Gangaram Sawade
Aged 65 years
8. Kokila Ramesh Sawade
Aged 55 years
Both R/o Pusad,
Dist- Yavatmal

... **APPLICANTS**

...**VERSUS**...

1. State of Maharashtra, through
Police Station Officer,
Police Station, Lohara,
Tq. & Dist. Yavatmal
2. Anjali Shankar Mungale
@Anjali Anjusha Sandeep Thorat
Aged about 32 years,
Occ.: Household,
R/o C/o: Shankar Mungale
Priya residency Chausada
Road, Lohara.
Tq. & Dist Yavatmal

...NON-APPLICANTS

Shri Y. Bhelande, Advocate for applicants
Shri M.J. Khan, APP for non-applicant No.1/State
Ms Chaitali Bhute, Advocate (appointed) for non-applicant No.2

CORAM : PRAVIN S. PATIL, J.

DATED : 29.01.2026

ORAL JUDGMENT

Heard. By consent of the parties, this matter is taken
for final disposal at admission stage.

2. The applicants herein are the relatives of the husband
challenged the registration of the Criminal offence against them at
the instances of non-applicant No.2, which is registered in as R.C.C.
No.755/2025 arising out of Crime No.479/2023 for the offences

punishable under Sections 377, 420, 498-A, 294, 507, 500 read with 34 of the Indian Penal Code.

3. The submission of the present applicants is that even the allegations made in the complaint or the material, which is collected during the investigation, taken at their face value and accepted in its entirety do not constitute any offence or make out the case as alleged in the present matter and, therefore, seeks indulgence of this Court in the matter.

4. The non-applicant No.2 in her complaint alleged against the present applicants that due to allegation of husband that she is incapable for sexual relationship, forcefully took her for medical examination. Then her parents were called and told them that complainant is having physical fault and then demanded Rs.2 Lakh towards dowry. On 04.07.2023, she was again medically examined at Dr. Rathod's Clinic. Present applicants did not disclose to her family that her husband is alcoholic and impotent, thereby cheated the complainant. As such, on these allegations, offence came to be registered against applicants and her husband.

5. Applicants pointed out that complainant was not physically fit for sexual relation with her husband and, therefore, from first day, she was not willing to co-habit with him. As such, husband has issued her legal notice on 28.10.2023 and requested for mutual divorce by raising the specific ground that she is not capable for sexual relation with him and as their physical relations are not established, she should accept the proposal for mutual divorce.

6. In the light of submissions made by the learned Counsel for both sides before this Court, it would be relevant to consider Section 498-A of IPC. The bare perusal of this provision shows that vide its Explanation cruelty means any willful conduct which is of such a nature as is likely to drive a woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of a woman. As per Explanation (b) harassment is done with a view to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand. As such, while deciding these allegations, this Court has to first look into whether

the cruelty which is allegedly falls in the explanation provided under Section 498-A of IPC.

7. It is also pertinent to note that the Hon'ble Supreme Court of India and this Court has experienced that there is a tendency of implicating the husband and his relatives in the criminal offence on vague and omnibus allegations. Therefore, this Court is required to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases.

8. To attract the offence, it is necessary that the allegations levelled against the Applicant should be concrete and precise. If it is found that the allegations are made without providing any specific details or describing any particular instance of harassment, in such cases, where Informant did not mention date, time and place or manner in which the alleged harassment is occurred, the Court should be slow while holding that offence is made out against the applicants.

9. In support of this submission, it will be relevant to rely upon the Judgments of the Hon'ble Supreme Court of India in the cases of - (i) *Dara Lakshmi Narayana & Others V/s State of Telangana & Another*, 2025(3) SCC 735; (ii) *Preeti Gupta and Another V/s State of Jharkhand and Another*, (2010) 7 Supreme Court Cases 667; and (iii) *Achin Gupta V/s State of Haryana and Another*, AIR 2024 SC 2548.

10. It is also held that in such cases, the Court has a duty to look into the correctness of the allegations and if it is found that the same are not trustworthy, then by invoking the powers under Section 482 of the Criminal Procedure Code can always set aside the entire proceedings registered on the basis of vague and omnibus allegations.

11. In light of the facts of the present case and the law laid down by the Hon'ble Supreme Court of India, in my considered opinion, the allegations, which are levelled against the present applicants, do not satisfy the ingredients of Section 498-A of the Indian Penal Code. So also, there are no specific allegations against the applicants to attract the offence under Sections 377, 420, 498-

A, 294, 507 and 500 of the Indian Penal Code, as well as on the basis of such vague allegation, provisions of the Dowry Prohibition Act, 1961, are also not attracted against the present applicants in the matter. It is clear that under an ulterior motive, the allegations are made against applicants who are relative of husband. Therefore, indulgence of this Court is necessary in the matter.

12. For all these reasons, in my opinion, continuing of the present proceedings against the present applicants would nothing but abuse of process of law. Hence, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The proceedings bearing RCC No. 755/2025 arising out of Crime No. 479/2023 registered with Police Station, Lohara, for the offences punishable under Sections 377, 420, 498-A, 294, 507, 500 read with 34 of the Indian Penal Code, is hereby quashed and set aside against the present applicants only.
- iii) Fees to the appointed Counsel be quantified as per Rules.

13. The application stands disposed of. No order as to the costs.

(PRAVIN S. PATIL, J.)

R.S. Sahare