



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

CRIMINAL APPLICATION (APL) NO.398 OF 2024

APPLICANTS

- 1] Swapnil S/o Sheshraoji Gulhane, Aged about 41 years, Occupation : Advocate (Self)
- 2] Lalita W/o Sheshrao Gulhane, Aged about 67 years, Occupation : Homemaker, (Mother in law)
- 3] Sheshraoji S/o Narayan Gulhane, Age about 72 years, Occupation : Retired, (Father in law)
- 4] Ashish S/o Sheshrao Gulhane, Aged about 45 years, Occupation : Service, (Brother in law)

All R/o. Ekvira Vidhut Colony, Bhatwadi Saturna Stop, Badnera Road, Near Hanuman Mandir, Amravati, Tq. & District – Amravati.

...VERSUS...

NON-APPLICANTS

- 1] The State of Maharashtra, Through Police Station Officer, Police Station Murtizapur, Tq. Murtizapur, District – Akola.
- 2] Sau. Prachi W/o Swapnil Gulhane, Aged about 39 years, Occupation : Household, R/o. C/o At Telipura Juni Vasti, Murtizapur, Tq. Murtizapur, District – Akola.

Mr. S.I. Ghatte, Advocate for Applicants.
Mrs. S.V. Kolhe, APP for Non-Applicant No.1/State.

CORAM : PRAVIN S. PATIL, J.

DATE : 22/01/2026

ORAL JUDGMENT :

1. **RULE.** Rule made returnable forthwith. By consent of Mr. S.L. Ghatte, learned counsel for the applicants and Mrs. S.V. Kolhe, learned APP for non-applicant No.1/State, the matter is taken up for final disposal.

2. At the outset, the learned counsel for the applicants submits that he is not pressing the application against the applicant No.1. Therefore, seeks permission to withdraw the application against applicant No.1, with liberty to challenge the same independently, in case the chargesheet is filed against him in the matter.

3. The applicant Nos.2 to 4 who are mother-in-law, father-in-law, brother-in-law of non-applicant No.2, seeks quashment of the First Information Report bearing Crime No.58/2024 dated 15.01.2024, registered at Police Station Murtizapur, District Akola for the offences punishable under Section 323, 498-A, 504 read with Section 34 of the Indian Penal Code, 1860 (for short "IPC").

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4. It is submission of the learned counsel for the present applicants that upon perusal of the complaint, it nowhere establishes that there are specific allegations made against applicants to constitute offence under Section 498-A of the IPC. On the basis of vague allegations that applicants instigated the husband against complainant are not sufficient to made out the offence under Section 498-A of the IPC.

5. Learned APP for the non-applicant No.1/State has strongly opposed the present application. It is pointed out that there is a specific averment in the complaint that the present applicants used to instigate the applicant No.1-husband and thereon husband has given ill treatment to the non-applicant No.2. Hence, case falls within the purview of Section 498-A of the IPC. Accordingly, it is contended that the FIR cannot be quashed and set aside against the present applicants.

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 - (a) "the cruelty" means any wilful 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 the matter as to whether cruelty which is allegedly falls in the explanation provided under Section 498-A of IPC.

7. It is 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 applicants 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. It is also held by the Hon'ble Supreme Court in the catena of cases that mere trivial irritations, quarrels between spouses which happen in day-to-day married life not to be considered as cruelty. The foundation of a sound marriage is tolerance, adjustment and respecting each other. Therefore, petty quibbles, trifling differences are general and should not be exaggerated and blown out of proportion to destroy the marriage.

10. In support of this submission, it will be relevant to rely upon the Judgments of the Hon'ble Supreme Court of India in the following cases -

(i) *Dara Lakshmi Narayana and Others Vs. State of Telangana and Another* reported in (2025) 3 SCC 735;

(ii) *Preeti Gupta and Another V/s State of Jharkhand and Another*, reported in (2010) 7 Supreme Court Cases 667, and

(iii) *Achin Gupta V/s State of Haryana and Another*, reported in AIR 2024 SC 2548.

11. Perusal of entire record shows that except allegation of instigation there are no other specific allegations described as to how the applicants caused harassment to non-applicant No.2. Hence, on such vague allegations, the offence punishable under Section 323, 498-A, 504 of the IPC is not attracted.

12. In view of the aforesaid legal position, I am of the considered opinion that on the basis of only allegation of instigation no offence is made out against the present applicants and continuation of the criminal proceedings against them would nothing but abuse of process of law. Hence, I proceed to pass the following Order :-

ORDER

- i. The criminal Application is **allowed**.
- ii. First Information Report bearing Crime No.58/2024 dated 15.01.2024 registered at Police Station Murtizapur, Dist. Akola for the offence punishable under Section 323, 498-A, 504 read with Section 34 of the Indian Penal Code, 1860 is hereby quashed and set aside only in relation to the applicant Nos.2 to 4.
- iii. In view of above, permission is granted to withdraw the application in respect of present applicant No.1. The prosecution is at liberty to file the chargesheet against applicant No.1, if material is collected against him during the course of investigation.

13. The application stands **disposed of** in above terms. No order as to costs.

(PRAVIN S. PATIL, J.)

Privel