



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

CRIMINAL APPLICATION (APL) NO. 748 OF 2024

APPLICANTS

- :-** 1) Nimish Pradeep Bapat (Husband)
Aged about 41 years, Occu: Private Service,
Permanent address: A-11, Vrund
Residency, Laxmipura Ankuria Road, Near
CK Prajapati School, Gorwa, Dist.
Vadodara Gujarat 390016.
Currently Posted at ICICI Bank,
Radhanpur, Dist- Patan, Gujara 385340.
- 2) Pradeep Shridhar Bapat (Father in Law)
Aged about 68 years, Occ: Retired.
- 3) Ranjana Pradeep Bapat,
(Mother in Law)
Aged about 65 years, Occu: Household
- 4) Nidhi Pradeep Bapat,
(Sister in Law)
Aged about 34 years; Occu: Presently
Unemployed;
All R/o A-11, Vrund Residency, Laxmipura
Ankuria Road, Near CK Prajapati School,
Gorwa, Dist. Vadodara, Gujarat 390016.

..VERSUS..

RESPONDENTS

- :-** 1) State of Maharashtra,
Through Police Station Officer,
Chandrapur City Police Station
Tq. & Dist. Chandrapur.

- 2) Gayatri Nimish Bapat,
Aged about 41 years; Occu: Household;
R/o 16, Laxmi Sada Apartment, Near Sai
Mandir, Wardha Road, Vivekananda
Nagar, Nagpur-440015.

Mr. Dhruv Sangram Sirpurkar, counsel for applicants.
Mr G.S. Umale, APP for Respondent/State.
Mr. A.A.Dhawas, counsel for respondent No.2.

CORAM : PRAVIN S. PATIL, J.

DATE : 22/01/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of learned counsel Mr. Dhruv Sangram Sirpurkar for the Applicants, Mr. G.S. Umale, learned APP for Respondent/State and Mr A.A. Dhawas, learned counsel for Respondent No.2, with consent of the parties, the application is taken up for final hearing at the stage of admission,

2. At the outset, it is stated that this Court, by order dated 19/01/2026, on the submission of the respondent No.2 that talks of compromise were going on between the parties. This Court, made it clear that, if such talks is going on, same should be concluded on or before next date of the matter, otherwise this

Court would take up the matter for final hearing.

3. Today, learned counsel for the applicants pointed out that the talks of compromise between the parties have failed. Hence, this matter is taken up for final disposal.

4. The applicants herein are husband, father-in-law, mother-in-law, and sister-in-law. The applicants challenge the registration of offence vide Crime No. 75 of 2024 registered at Police Station Chandrapur City for the offence punishable under Sections 498-A, 323 and 504 read with Section 34 of the Indian Penal Code, 1860.

5. The applicants have approached this Court with the submission that the allegations made in the First Information Report, even if taken at their face value and accepted in their entirety, do not prima-facie constitute any offence punishable under Sections 498-A and 323 of the Indian Penal Code, and therefore, indulgence of this Court is necessary in the matter.

6. In short, the case of the prosecution is that Non-applicant No.2 on 01/10/2023 lodged a complaint in the matter. Thereafter, the matter was referred for counseling, but the same was not resolved. Therefore, on the allegations of the Non-applicant No.2 during her cohabitation with the applicant's

family from 22/01/2023 till 09/03/2023, she was ill-treated by the applicants, offence came to be registered against the present applicants in the matter.

7. Learned counsel for the non-applicant No.2 strongly opposed the application, by stating that there is sufficient material against the applicants and specific allegations are made against applicants, hence, she prayed for rejection of the application.

8. I have heard learned counsel for both the sides and perused the entire record, as well as the case laws cited by the parties.

9. A perusal of the complaint shows that the marriage of Non-applicant No.2 with non-applicant No.1 was solemnized on 26/11/2022. The applicant No.1, at the time of marriage, was working at Baroda. As such, he could not took the Non-applicant No.2 immediately with him at Baroda after the marriage. On, 22/01/2023, Non-applicant No.2, went with her husband to Baroda. As such, for a period of one month, she was with family members of Husband.

10. It is specifically pointed out that, non-applicant No.2 was not willing to cohabit with Applicant No.1 This fact is clear from the incidence that immediately after reaching to Baroda,

non-applicant No.2 has booked her return journey ticket dated 09/03/2023 from Baroda to Nagpur. Accordingly, non-applicant No.2 returned back from Baroda to Nagpur on 09/03/2023.

11. After March 2023, the present Applicant No.1 has filed proceedings for nullity of marriage by raising specific grounds that Non-applicant No.2 was not willing to cohabit with him and during their cohabitation no physical relations were ever established and seeks decree of nullity of the marriage. The said proceeding, filed by the applicant on 24/04/2023, was registered before the Family Court, Nagpur, as Petition No. 595/2023.

12. After registration of the said proceedings, the matter was referred for counseling. Accordingly, counseling was held in the month of September 2023. However, there was no positive response from the Non-applicant No.2, and as a result, the counseling failed.

13. In the background of this factual position, the complaint came to be lodged against present applicants alleging that she was ill-treated by present applicants from the period of 29/01/2023 to 09/03/2023, and offence came to be registered against the present applicants. A perusal of the complaint specifically shows that allegations levelled against the present applicants are vague

and omnibous in the nature. There are no specific allegations against the Applicant Nos. 2 to 4, only general allegations were raised that she was ill-treated by the present applicants.

14. It is well settled position of law that on the basis of vague and omnibous allegations, the offence under Section 498-A of the Indian Penal Code, 1860 is not attracted. For attracting the offence punishable under Section 498-A of IPC, Non-applicant No.2 is required to give specific details and describe particular instances of harassment. In the present case, though the period is mentioned from 22/01/2023 to 09/03/2023, but there is no specific date, time, or manner in which she was harassed by the applicants.

15. It is further pertinent to note that all these allegations are levelled by the non-applicant No.2 are immediately after the marriage, i.e. only of within a short period of 3 to 4 months. Hence, all these allegations, prima-facie, do not seems to be trustworthy and moreover same are vague and omnibous in nature.

16. In my opinion, the allegations which are levelled by the non-applicant appear to have an oblique motive. The chronological events as stated above clearly establish the facts that

the non-applicant No.2 was not interested to cohabit with Applicant No.1. The contents of petition filed for nullity of marriage are evident of this fact. In the circumstances, there is every possibility to protect herself from the allegation made by Applicant No.1 in his petition, the complaint came to be lodged against Applicant. There is a reason to say so because petition of nullity of marriage was filed by Applicant No.1 on 24/04/2023 and thereafter, nearabout 10 months, the police complaint is lodged in the matter.

17 In the circumstances, the interference of this Court is necessary in the facts and circumstances of the case. In my considered opinion, keeping continue criminal proceeding against Applicants would nothing but abuse of process of law. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
- b] The offence registered against the present applicants vide Crime No. 75 of 2024 at Chandrapur City Police Station, for the offence punishable under Sections 498-A, 323 and 504 of the Indian Penal Code, 1860, is hereby quashed and set aside.

18. Rule is made absolute in the aforesaid terms. No order as to costs.

(PRAVIN S. PATIL, J.)