



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

CRIMINAL APPLICATION (APL) NO. 799 OF 2024

- APPLICANTS:**
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| (Husband) | 1. Surajkumar S/o Bhaskarrao Rathod,
Aged about 34 years, Occupation : Teacher, |
| (Father-in-law) | 2. Bhaskarrao Somlaji Rathod,
Aged about 65 years, Occupation : Doctor. |
| (Mother-in-law) | 3. Sau. Leena w/o Bhaskarrao Rathod,
Aged about 55 years, Occupation: Household. |
| (Brother-in-law) | 4. Dhiraj s/o Bhaskarrao Rathod,
Aged about 30 years, Occupation: Student, |
- Nos. 1 to 4 R/o Midas Building Shanti
Nagar, Kinhi Road, Byepass, Karanja Lad,
Tah. Karanja Lad, Distt. Washim

...VERSUS...

- RESPONDENTS**
- | | |
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| 1. | State of Maharashtra,
through Police Station Officer, Police
Station Lohara, Tah. and District
Yavatmal. |
| 2. | Sneha w/o Surajkumar Rathod,
Aged about 27 years, Occupation:
Household, R/o C/o Shankarrao
Ratansingh Aade, Trimurti Nagar, Near
Subhshree Apartment, Lohara, Tq. and
Distt. Yavatmal. |

Mr. Tushar U. Tathod, counsel for applicants.

Ms. S.V. Kolhe, APP for respondent/State.

Mr. Mohit H. Bobde, counsel for respondent No.2.

CORAM : PRAVIN S. PATIL, J.

DATE : 17/01/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of learned counsel Mr. Tushar U. Tathod for the Applicants, Ms. S.V. Kolhe, learned APP for Respondent/State and Mr Mohit H. Bobde, counsel for Respondent No.2, the application is taken up for final hearing at the stage of admission, with consent of the parties.

2. By this application, challenge is to the Regular Criminal Case No. 561 of 2024 arising out of Charge-sheet bearing No. 443 of 2024 dated 10/12/20024 in Crime No. 179 of 2024, registered for the offence punishable under Sections 498-A and 506 read with Section 34 of the Indian Penal Code, 1860.

3. The present applicants who have challenged the proceedings, are the husband, father-in-law, mother-in-law, and brother-in-law of Respondent No.2. According to the applicants, even if the complaint lodged against them by the Respondent No.2 is taken on its face value, it does not disclose that offence punishable under Sections 498-A, 506 of the Indian Penal Code is

made out against them. Therefore, they seek quashment of the proceedings initiated against them at the instance of Respondent No.2.

4. The story of the prosecution case, in short, is that, on 23/04/2024 an FIR is registered against the present applicants on the complaint of Respondent No.2, wherein it is alleged that the present applicants subjected her mental as well as physical cruelty. It is stated in the complaint by the respondent No.2 that after her marriage was solemnized with the Applicant No.1 on 10/05/2022, immediately thereafter, the demand of dowry was made by the present applicants. It is further alleged that present applicants used to doubt her character and also used to threaten her for dire consequences.

5. It is also stated that when she was pregnant, due to some quarrel between her husband and her mother-in-law, the applicant/husband went away from the house. On that date, the Applicant No.4 allegedly came in the house with a Can of Diesel, due to which she was under fear that something will happen to her life and therefore, she locked herself in the room for whole night. So also alleged that, after delivery of a female child, the applicants were not happy and therefore, she was harassed by the present applicants. On these count, the offence came to be registered and investigation is conducted. In the investigation, statement of relatives were recorded and charge-sheet is filed in the matter.

6. The contention of the present applicants is that Applicant No.1 is serving as an Assistant Professor at Wardhaman

College of Pharmacy at Karanja Lad. Applicant No.2 is a B.A.M.S doctor and is running a clinic under the name and style as 'Mungsaji Clinic' at Karanja Lad. Applicant No.3 is a housewife. Applicant No.4 is a Student studying at M.I.T. College, Kothrud, Pune, and doing Master in Public Health (MPH) course since 2022 and is pursuing his last semester.

7. It is further pointed out that, according to the own complaint of Respondent No.2, the incidents which are quoted is of year 2022, and one incident against the Applicant No.4 of bringing Diesel in a Can is of year 2023. However, the complaint is lodged after a long gap. Therefore, according to the applicants, the allegations made in the complaint cannot be said to be trustworthy and same are alleged with oblique motive to entangle all family members in the web of crime.

8. It is further pointed out that Applicant No.1 is always interested to cohabit with Respondent No.2, however, Respondent no.2 is not interested to cohabit with the present applicant No.1. Therefore, notice was served on the respondent No.2 through counsel on 15/04/2024. According to the applicants, immediately after receipt of legal notice, the present complaint came to be registered against the present applicants.

9. Per contra, learned APP has pointed out that, first complaint lodged by the respondent No.2 was on 16/09/2023, wherein she had alleged mental and physical torture at the hands of the applicants. In the said complaint, one of the incident was quoted that mother-in-law has attempted to push her from gallery

of the house. Other allegations about the ill-treatment were also made. The said matter was then referred to the Bharosa Cell by the Police Station Lohara. The matter was not settled before the Bharosa Cell. In the background of this factual position, the FIR came to be registered against the present applicants on 23/04/2024.

10. Respondent No.2 supported the submissions made by the learned APP and pointed out that there are specific allegations are made against the present applicants in the matter, and therefore, the ingredients of Sections 498-A and 506 of the Indian Penal Code are satisfied in the matter. Therefore, it is not a case to invoke the extraordinary jurisdiction to quash and set aside the criminal proceedings registered against the applicants.

11. In the background of the submissions made by both the parties in the matter, I have perused the entire record, as well as statement and the documents, which are produced by the parties.

12. It is pertinent to note that the laid down by the Hon'ble Supreme Court of India in the case of ***Dara Lakshmi Narayana and others Vs State of Telangana and another***, reported in ***(2025) 3 SCC 735*** wherein in paragraph 16 and 30 of the judgment, the Hon'ble supreme court has about the Section 498A, which is relevant in the present matter, the same is reproduced as under :-

“16. An offence is punishable under Section 498A of the IPC when a husband or his relative subjects a woman to cruelty, which may result in imprisonment for a term extending up to three years and a fine. The Explanation under Section 498A of the IPC defines

“cruelty” for the purpose of Section 498A of the IPC to mean any of the acts mentioned in clauses (a) or (b). The first limb of clause (a) of the Explanation of Section 498A of the IPC, states that “cruelty” means any wilful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation of Section 498A of the IPC, states that cruelty means any wilful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. Further, clause (b) of the Explanation of Section 498A of the IPC states that cruelty would also include harassment of the woman where such harassment is to coerce her or any person related to her 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.”

28. The inclusion of Section 498A of the 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 498A of the 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 scrutinized, 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 498A of the 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.”

13. In the light of this legal position, it is necessary to examine whether the allegations raised by non-applicant No.2 constitute offence against the present applicants or not. From the record it is clear that non-applicant was not happy with the applicant, there were petty quarrels between them. There were meeting of Elder members of family to settle dispute but same could not worked out. As such out of matrimonial discord, this matter reached upto this Court.

14. It is pertinent to note that in the present matter, the version of the respondent No.2 seems to be changing from time to time. In the first complaint, which was lodged by respondent No.2 on 16/09/2023, she has alleged that mother-in-law has attempted to push her from gallery of the house. However, no such allegation are made when the complaint was lodged on 23/04/2024. All the allegations in the complaint and her statement, which was recorded during the course of investigation, are general and omnibus in nature.

15. As per settled position of law to attract the offence under Section 498A of the Indian Penal Code, allegations are required to be specific stating time, date, place or manner in which the alleged harassment is occurred. However, perusal of the FIR shows that allegations made by the respondent No.2 are vague and omnibus. Other than claiming that applicant No.1 husband has harassed her, the allegations against applicant Nos.2 to 4 are only of a general in nature. Therefore, in my opinion, the offence under Section 498-A is not made out against the Applicant Nos.2 to 4 in

the matter.

16. It is pertinent to note that, applicant No.4 in the application has specifically stated that, he is studying at Pune since 2022 and doing his Master in Public Health and therefore, not residing along with the applicant Nos. 1 to 3. There is no denial to this specific submission. So also, it is not point out from the record that applicant No.4 is not taking such education and he is residing along with the applicants.

17. The much submission is made by the respondent No.2 against the applicant No.4 stating that, on 13/08/2023 when her husband was out of the house, he came with a Can of Diesel, but except that, there is no other statement that what he has done by bringing Diesel Can in the house. On the contrary, it is her own submission that from the next day everyone was behaving normal with her. Therefore, it seems that only under apprehension and to attract the offence against the applicant No.4, this vague allegation is made in the matter. As such no offence is made out against applicant No.4 in the matter.

18. It is time and again observed by the Hon'ble Supreme Court of India that wife while lodging the complaint is always tried to involve all the family members in the offence with an oblique motive. Therefore, in such cases, the Court should be extremely careful and cautious in dealing with this complaint and must take pragmatic realities into consideration while dealing with matrimonial cases.

19. In the light of the above facts and circumstances of the

case, in my opinion, no offence is made out against the Applicant Nos. 2 to 4 in the present matter. There are only allegation against husband to the effect that though there was agreement in the meeting of elders, he has not improved his behaviour against her. For that purpose, it is for applicant to prove his case in trial, same cannot be looked into in the present matter. Hence, proceedings against the applicants Nos 2 to 4 would nothing but amount to abuse of process of law and therefore, interference is necessary in the matter. In the circumstances, I proceed to pass the following order.

ORDER

- a] The application is **partly allowed**.
- b] The proceedings bearing Regular Criminal Case No. 561/2024 pending on the file of Judicial Magistrate First Class, Yavatmal, arising out of Chargesheet No. 443 of 2024, in Crime No. 179 of 2024 under Sections 498-A, 506, read with Section 34 of the Indian Penal Code, 1860, is quashed and set aside against the applicant No.2, 3 and 4 only.
- c] It is made clear that Regular Criminal Case No. 561 of 2024 will proceed only against the present applicant No.1 in accordance with law.

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

(PRAVIN S. PATIL, J.)