



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

CRIMINAL APPLICATION (APL) NO.827/2024

1. Vandana Dnyaneshwar Thavkar
Age: 49 years Occ: Govt. Servant
2. Pravin Ajabrao Burande
Age : 46 years Occ. Govt. Servant
3. Indirabai Ajabrao Burande
Age: 70 years, Occ: Nil

All above R/o Shashtri Nagar,
Gogamfail, Yavatmal - 445001

... **APPLICANTS**

...**VERSUS**...

1. State of Maharashtra,
Through Police station Officer,
Police Station, Rajapeth,
Amravati City, Tq. And Dist. Amravati
2. Payal Vipin Kamble,
Aged: 27 years, Occ: Private Job,
R/o C/o Rameshrao Tale, House
No.87, Postal Colony, Sainagar,
Amravati.

...**NON-APPLICANTS**

Shri S.M. Golhar, Advocate for applicants
Shri A.M. Ghogre, APP for non-applicant No.1/State
Ms Shreya H. Bhagat, Advocate (appointed) for non-applicant No.2

CORAM : PRAVIN S. PATIL, J.

DATED : 17.02.2026

ORAL JUDGMENT

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

2. By this application, the applicants, who are the matrimonial aunt, uncle and grandmother of the husband of the complainant, have approached this Court seeking quashment of the criminal proceedings initiated against them at the instance of non-applicant No. 2, vide Charge-sheet No. 531 of 2025 arising out of Crime No. 0154 of 2024, for the offences punishable under Sections 323, 498-A, 504, 506 and 34 of the Indian Penal Code.

3. The submission of the applicants is that even if the allegations made in the First Information Report are taken at face value and accepted in their entirety, no offence, particularly under Section 498-A of the Indian Penal Code, is made out against them. Hence, they seek the indulgence of this Court.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. In light of the aforesaid legal position and the allegations levelled against the present applicants, I am prima facie satisfied that the allegations do not constitute “cruelty” as contemplated under clauses (a) and (b) of Section 498-A of the Indian Penal Code. All the allegations are general and omnibus in nature. Hence, considering the facts and circumstances of the case, it would not be proper to continue the criminal proceedings against the present applicants.

10. Accordingly, I proceed to pass the following order:

ORDER

i) The application is partly allowed.

ii) The proceedings in Charge-sheet No. 531 of 2025 arising out of Crime No. 0154 of 2024, for the offences punishable under Sections 323, 498-A, 504, 506 and 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.

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

(PRAVIN S. PATIL, J.)

R.S. Sahare