



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

CRIMINAL APPLICATION (APL) NO.848/2024

1. Gulabsing Gyansing Solanke
Aged about 65 yrs, Occ.:
Retired,
2. Sau. Shobha Gulabsing
Solanke
Aged about 55 yrs., Occ.:
Household,
3. Nilesh Gulabsing Solanke
Aged 34 yrs., Occ.: Teacher,
presently R/o. Rajura Bhiktek,
Tq. Nandgaon Khandeshwar,
Dist. Amravati.
4. Nilam Gulabsing Solanke
Aged 30 yrs., Occ.: Education,
Presently R/o. C/o. Sangita
Solanke, Khadaki, Tq. & Dist.
Akola.
5. Nitin Gulabsing Solanke
Aged 38 yrs., Occ.: Labour,
All R/o. Khandelwal Colony,
Akoli Road, Sai Nagar,
Amravati, Tq. & Dist.
Amravati.

... **APPLICANTS**

...**VERSUS**...

1. State of Maharashtra,
Through Police Station
Officer, Police Station
Asegaon, (Amravati Rural),

Tq. Achalpur, Dist. Amravati.

2. Sau. Dipali Nitin Solanke
Aged 24 yrs., Occ.: Housewife
R/o. Nirul Gangamai, Tq. Bhatkuli,
Dist. Amravati.

...NON-APPLICANTS

Ms A.R. Sharma, Advocate h/f Shri P.R. Agrawal, Advocate for applicants
Ms S.V. Kolhe, APP for non-applicant No.1/State
Shri J.S. Chilotra, Advocate for non-applicant No.2

CORAM : PRAVIN S. PATIL, J.

DATED : 22.01.2026

ORAL JUDGMENT

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

2. The present application is filed by father-in-law,
mother-in-law, brother-in-law, sister-in-law and husband of non-
applicant No.2 for quashment of the proceedings registered vide
Crime No.0029/2024 with Police Station Asegaon, Amravati
(Rural), for the offences punishable under Sections 323, 498-A 504,
506 and 34 of the Indian Penal Code.

3. The applicants seek indulgence of this Court mainly on the ground that proceedings, which are filed by non-applicant No.2 is with an oblique motive and with a malicious intention to prosecute all the applicants for wreaking vengeance on the applicants and with a view to spite him due to private and personal grudge. So also, it is the submission of the present applications, even the allegations in the First Information Report are taken at their face value and accepted in their entirety do not *prima facie* constitute any offence make out the case against the applicants. Hence, considering the law laid down by the Hon'ble Supreme Court in case of ***State of Haryana and ors. Vs. Bhajan Lal and ors. reported in 1992 Supp (1) SCC 335***, it is a fit case to invoke the powers under Section 482 of the Criminal Procedure Code.

4. In light of the submission made by the present applicants, I have perused the First Information Report lodged by non-applicant No.2. The allegations, which are made against the present applicants are that in the month of December, 2021, when she conceived the pregnancy, she was mentally and physically harassed by them and other allegations, which are made against the

present applicants, are that they used to instigate her husband and therefore, husband used to cause physical harassment and doubted her character. It is alleged that after giving birth to a child, no one came to visit her house and because of that she caused mental cruelty.

5. 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.

6. 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.

7. 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.

8. 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.

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 further pertinent to note that in the present case, the applicant has specifically brought to the notice of this Court that non-applicant No.2 was having a love affair with another person and due to this reason, the relations were strained between them. Therefore, proceedings for divorce were also filed in the matter, on 14.01.2024 with specific allegations that non-applicant No.2 was having a love affair with Abhi Khande.

11. The applicant also pointed out that time and again, the threats were given by the non-applicant No.2, to lodge false complaint and, therefore, police complaints were lodged by the applicants, which were registered as non-cognizable offence. The same are placed on record.

12. The applicants in support of their submission, has placed on record certain photographs during the period when she was conceiving pregnancy and gave birth to a child. The perusal of the said photographs clearly shows that all the family members were collectively attending the functions and everyone was happy while attending the said function. Therefore, these allegations seem to be *prima facie* incorrect in the facts and circumstances of the case.

13. In view of this, it is clear that, the complaint has been lodged against the present applicants with an oblique motive and only to implicate all the applicants in a false criminal case. In my considered opinion, continuing of proceedings against the present applicant would nothing but abuse of process of law and, therefore,

interference of this Court is necessary and accordingly, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The proceedings bearing First Information Report No.0029/2024 dated 20.02.2024, registered with Police Station Asegaon, Amravati Rural, 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.

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

(PRAVIN S. PATIL, J.)

R.S. Sahare