



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

CRIMINAL APPLICATION (APL) NO. 903 OF 2024

APPLICANT :- Lilabai Wamanrao Bhatkar, Aged about 68 years, Occu- Housewife, r/o Murhadevi, Tq. Anajangaon Surji District Amravati (Accused No.2) (Mother-in-law of N.A. No.2)

..VERSUS..

NON-APPLICANTS :- 1) State of Maharashtra, through Police Station Officer, Police Station Gadge Nagar, Amravati, District Amravati.
2) Sonal w/o Amol Bhatkar, Aged about 36 years, Occu: Service in Pvt. Sector, r/o C/o Lalita Jogdande, Chhatrasal Nagar, Galli No.2, Near VMV College, Amravati Tq. & Dist. Amravati 444604.

Ms. A.R. Sharma, counsel for applicant.
Mr. M.J.Khan, APP for non-applicant No.1/State.
Mr. Sunil B. Gandhe, counsel for non-applicant No.2.

CORAM : PRAVIN S. PATIL, J.

DATE : 23/02/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of Ms A.R. Sharma, counsel for applicant, Mr. M.J.Khan, learned APP for

non-applicant No.1/State and Mr. Sunil B.Gandhe, learned counsel for non-applicant No.2, the application is taken up for final hearing at the stage of admission.

2. By this application, the applicant is seeking to quash and set aside the Regular Criminal Case No. 827 of 2024, pending before the learned 20th Joint Civil Judge, Senior Division, Amravati, arising out of Crime No. 129 of 2024, for the offence punishable under Section 498-A, 504 read with Section 34 of the Indian Penal Code, 1860.

3. The applicant, who is a 68 years old mother-in-law, has approached before this Court for quashment of criminal proceedings. It is her contention that even if all the allegations levelled against her in the First Information Report (FIR), as well as material collected during course of investigation, are taken at its face value and accepted in its entirety, no offence under Section 498-A, 504 of the Indian Penal Code, 1860, is made out against her in the matter. Therefore, she seeks indulgence of this Court in the matter.

4. In the light of the submissions made by the applicant, I have perused the FIR as well as charge-sheet which is filed by the prosecution. On perusal of the allegations, it appears that the husband of the complainant is serving in Army. The only incident alleged against the present applicant is that on 11/07/2023, when the complainant was at Village Murhadevi, that time, the applicant has quarrelled with her and questioned her, as to how, she came in her house. As such, on the basis of this allegation, the offence is registered against the present applicant in the matter.

5. In the light of the 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 whether the cruelty which is allegedly falls in the explanation provided under Section 498-A of IPC or not.

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 omnibous allegations. Therefore, this Court is required to be extremely careful and cautions 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 Hon'ble Supreme Court in the catena of cases that mere trivial irritations, quarrels between spouses which happen in day-to-day married life may 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 the present matter, on perusal of the FIR as well as chargesheet, it is not clear for what reason the alleged quarrel took place or in what manner the complainant was harassed by the present applicant. So also, on the basis of such vague solitary incident, applicant cannot be prosecuted for offence under Section 498-A of the Indian Penal Code, 1860. Accordingly, I proceed to pass the following order:

ORDER

- a] The criminal application is **allowed**.
 - b] The proceedings bearing Regular Criminal Case No. 827 of 2024 pending before the 20th Joint Civil Judge, Senior Division, Amravati, arising out of FIR No. 129/2024 dated 06/02/2024 for the offence punishable under Section 498-A, 504 read with Section 34 of the Indian Penal Code, 1860, is hereby quashed and set aside against present applicant only.
 - c] All pending applications stand disposed of.
10. Rule is made absolute in the aforesaid terms. No orders as to costs.

(PRAVIN S. PATIL, J)