



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO.916 OF 2024

1. Urmila W/o Ramakant Harlalka,
Aged 62 years, Occ : Business
2. Nishant S/O Ramakant Harlalka
Aged 34 years, Occ: Business,
Both Resident of Ivy Towers,
A 1801/1802/1803,
Vasant Valley Compound, Near Dindoshi
Bus Depot, Malad (East), Mumbai 400097.

... APPLICANTS

...VERSUS...

1. The State of Maharashtra
Through Shegaon City Police Station,
Buldhana.
2. Mrs. Prachi W/o Nikunj Harlalka
Aged: 35 years, Occ: Teacher,
R/o C/o Rajesh Paldiwal,
Paldiwal Compound, Main Road,
Shegaon, District Buldhana

...NON-APPLICANTS

Shri Atharva Manohar, Advocate for applicant
Ms Shamsi Haidar, APP for non-applicants/State
Shri S.V. Sirpurkar, Advocate for non-applicant No.2

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**

RESERVED ON : 15.12.2025
PRONOUNCED ON : 14.01.2026

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

Heard. **Admit.** Heard finally with the consent of learned Counsel for both the parties.

2. This is an application filed under Section 482 of the Criminal Procedure Code for quashing the First Information Report dated 06.11.2019, bearing No. 0483/2019, for the offences punishable under Sections 498-A, 506, read with Section 34 of the Indian Penal Code, and the Charge-sheet dated 07.04.2021 bearing No. 36/2021, for the offences punishable under Sections 498-A, 506, 365 read with Section 34 of the Indian Penal Code, registered with Police Station Shegaon City, District Buldhana, and the consequent Reg. Cri. Case No. 158/2021.

3. As per the First Information Report lodged by the non-applicant No.2 herein, it is the case of the first informant that she

was married with Nikunj Harlalka in May 2010, and was cohabiting with her husband, and the other in-laws, which consisted of the present applicants i.e., applicant No.1, who happens to be the mother-in-law and applicant No.2, who happens to be brother in law. It is alleged that after marriage, for some years, the in-laws treated her properly, but thereafter, for reasons best known to them, started taunting her by alleging that she was mentally unstable, incapable of doing any work, and that there was inadequate dowry given at the time of marriage. It is thus stated in the First Information Report that the non-applicant No. 2 was mentally and physically harassed. Furthermore, it is stated that the accused persons forcibly took her for medical treatment and forced her to undergo psychiatric treatment and to consume her unprescribed drugs.

4. It is further alleged that on 02.11.2019, the applicants, along with other accused persons, forcibly attempted to admit her to Sunshine Wellness Center, Vasai, with the intention of projecting her as mentally ill, when she was absolutely normal. She further alleges that the doctor who treated her also stated that she was normal and

was not suffering from any mental illness. It is further alleged that while admitting the non-applicant No. 2 to the said center, the accused persons deliberately avoided informing her relatives or the local police station as required under the Rules. It is on these allegations the First Information Report was filed by the non-applicant No. 2, with the non-applicant No. 1, which, after investigation, has culminated in the filing of the charge-sheet and Regular Criminal Case as stated above.

5. At the outset, it is relevant to point out that when confronted and when we showed our disinclination to entertain the present application as far as applicant No.1 is concerned, the learned Counsel for the applicant has withdrawn the present application as far as applicant No.1 is concerned, which is reflected in our order dated 15.12.2025. Thus, the present application is confined to the applicant No. 2, who happens to be the brother-in-law of non-applicant No. 2.

6. We have heard Shri Atharva Manohar, learned Counsel for the applicants, as also Ms S.Z. Haidar, learned Additional Public

Prosecutor for the non-applicant No.1/State, and Shri S.V. Sirpurkar, learned Counsel for non-applicant No.2.

7. Shri Atharva Manohar, learned Counsel for the applicants, submits that even if the allegations in the First Information Report and the material collected in the form of charge-sheet by the investigating agency are presumed to be true, no offence punishable under Section 498-A is made out as far as applicant No. 2 is concerned. He submits that the essential ingredients that requires a woman is subjected to wilful conduct likely to drive her to commit suicide or cause grave injury or danger to life are absent. By taking us through the First Information Report and the charge-sheet, which consists of statements of the witnesses, learned Counsel for the applicants submits that the non-applicant No.2 was taken to the clinic for continuation of a treatment and was not abducted with intent to harm or wrongfully confined her. He further submits that there is no instance showing that she was kidnapped with the intention of secretly and wrongfully confining her. He therefore submits that as far as applicant No. 2 is concerned, no offence is made out.

8. Learned Counsel has placed reliance on the following decisions:

- i) *Girdhar Shankar Tawade v. State of Maharashtra, AIR 2002 SC 2078*, wherein the Court held that "cruelty" has to be understood having a specific statutory meaning and there should be a continuous state of affairs of torture.
- ii) *Smt. Raj Rani v. State (Delhi Administration), AIR 2000 SC 3559*, wherein the Court held that accusations must be of a very grave nature to attract Section 498-A.
- iii) *Mahalakshmi v. State of Karnataka, 2023 SCC OnLine SC 1622*, wherein the Court observed that few instances stated by the complainant cannot be comprehended as cruelty.
- iv) *Sandesh Madhukar Salunkhe v. State of Maharashtra, Criminal Writ Petition No.3936 of 2021*, wherein this Court observed that cruelty must be continuous or persistent.
- v) *Ramesh Sitaldas Dalal & Anr v. The State of Maharashtra and Ors, Writ Petition No.137 of 2021*, wherein this Court ruled that petty quarrels do not amount to cruelty under Section 498-A.
- vi) *Ranjan Das v. State of West Bengal, CRA No. 16 of 2019*, wherein the Calcutta High Court held that general allegations

cannot be relied upon to conclude that offence under Section 498-A has been perpetrated.

vii) *Niyas v. State of Kerala, Cri Rev Pet No.1 of 2007*, wherein the Kerala High Court observed that trivial disputes between spouses should not unnecessarily drag criminal law into motion.

viii) *Salim Abbas Chaudhari v. State of Maharashtra, 2018 SCC OnLine Bom 1794*, wherein this Court held that to constitute an offence under Section 365, the person should be kidnapped with the intention to be secretly or wrongfully confined.

ix) *Kahkashan Kausar alias Sonam and Others v. State of Bihar and Others, (2022) 6 SCC 599*, wherein the Supreme Court held that false implications by way of general omnibus allegations made in matrimonial disputes would result in misuse of process of law.

x) *Neelu Chopra & Anr v. Bharti, (2009) 10 SCC 184*, wherein the Supreme Court observed that particulars of offence committed by each accused must be brought to notice.

xi) *Arnab Goswami v. State of Maharashtra, (2021) 2 SCC 427*, wherein the Supreme Court opined that the High Court is duty-bound to undertake a prima facie evaluation of whether ingredients of alleged offence have been established in the FIR.

xii) *Prashant Bharti Vs. State (NCT of Delhi), (2013) 9 SCC 293*, wherein the Supreme Court held that material relied upon by the appellant in support of his plea for quashing the proceedings is found to be sound, reasonable and indubitable and the judicial conscience of High Court ought to have persuaded it and thus quash criminal proceedings initiated against appellant.”

9. Per Contra, the learned Additional Public Prosecutor, as also learned Counsel for the non-applicant No. 2, vehemently opposes the application and submits that the non-applicant No. 2 has averred in detail with all the specific requirements regarding the mental and physical cruelty meted out to her by the in-laws. They submit that there is a specific role attributed to the applicant No.2 with respect to an incident dated 02.11.2019, wherein, after naming the applicant No. 2, it is stated that when the applicant No. 1 and the husband of the non-applicant No. 2 while administering some poisonous substance to her the non-applicant No. 2 along with Ekta Harlalka were mute spectators to the said incidence. It is thus their submission that the said act amounts to mental cruelty and therefore falls within the purview of Section 498-A of the

Indian Penal Code. They thus pray for rejection of the application.

10. We have perused the material placed on record and also appreciated the contentions advanced by the learned Counsel for the parties. A deeper perusal of the detailed oral complaint filed by the non-applicant No. 2 would show that the only role attributed to the applicant No.2 Nishant, is regarding the incident dated 02.11.2019. Even in the said incident also no overt act is attributed to the present applicant, and the entire allegations are against the applicant No. 1 and the husband of the non-applicant No. 2 i.e. accused No.1 in the processing. The said overt act attributed to the applicant No. 2 in our view would not amount to any sort of cruelty as contemplated under Section 498–A of the Indian Penal Code.

11. As rightly pointed out by the learned Counsel for the applicant, the judgment of *Prashant Bharti Vs. State (NCT OF DELHI)*, (2013) 9 SSC 293, in Hon'ble Apex Court, after taking into consideration the entire case law on record, have stated that the steps delineated by the Supreme Court in *Rajiv Thapar Vs. Madan Lal Kapoor*, (2013) 3 SCC 330, has to be taken into consideration

while exercising jurisdiction under Section 482 of the Criminal Procedure Code. In our view, looking at the limited role attributed to the applicant in the First Information Report, continuance of criminal proceedings against him would be an abuse of process of law. We therefore pass the following order :

ORDER

- i) The application is allowed.
- ii) The First Information Report dated 06.11.2019, bearing No. 0483/2019, for the offences punishable under Sections 498-A, 506, read with Section 34 of the Indian Penal Code, and the Charge-sheet dated 07.04.2021 bearing No. 36/2021, for the offences punishable under Sections 498-A, 506, 365 read with Section 34 of the Indian Penal Code, registered with Police Station Shegaon City, District Buldhana, and the consequent Reg. Cri. Case No. 158/2021, are quashed and set aside only for as applicant present applicant No.2 i.e. Nishant s/o Ramakant Harlalka is concerned.

12. The application is disposed of in above terms.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Jayashree..