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

CRIMINAL APPLICATION (APL) NO.700/2024

1. Sau. Shobha w/o Purushottam Dangra,
Aged about 65 years,
Occupation : Retired
from service,
R/o. Januri Road,
Near Patwari Colony, Shegaon,
District Buldhana.
2. Shri Purushottam S/o Rekhachand (Ratanlal)
Dangra,
Aged about 69 Yars,
Occupation : Advocate,
R/o. Januri Road,
Near Patwari Colony, Shegaon,
District Buldhana.

.... APPLICANTS

// VERSUS //

1. State of Maharashtra,
Through its Police Station, Shegaon,
District Buldhana.
2. Smt. Alka w/o Kunal Dangra,
Aged about 34 years,
Occupation : Service,
R/o. Shri Residency, Near FMK School,
Alsana Road, Shegaon,
District Buldhana.

....NON-APPLICANTS

Mr. N. R. Saboo, Advocate for applicants.
Mr. N. B. Jawade, APP for non-applicant No.1/State.
Ms. S. H. Bhatia, appointed Advocate for non-applicant No.2.

WITH

CRIMINAL APPLICATION (APL) NO.997/2024

1. Bansilal Bhikamchand (Navratan) Rathi,
Aged about 55 Years,
Occupation : Agriculturist, [Cousin Father in law of Complainant]

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R/o. Sai Mart, Near Satguru Sadan,
Main Road, Telhara, District Akola.

2. Kusum Bansilal (Navratan) Rathi,
Aged about 54 Years, [Cousin Mother in law of Complainant]
Occupation : Household,
R/o Sai Mart,
Near Satguru Sadan,
Main Road, Telhara,
District Akola.
3. Priti (Shital) Kamalkishor Panpaliya,
Aged about 47 Years, of [Cousin Sister in law of Complainant]
Occupation Household,
R/o. 1, Anand Residency, Flat No.1.
Lande Layout, District Buldhana.

.... APPLICANTS

// VERSUS //

1. State of Maharashtra,
Through its Police Station, Shegaon,
District Buldhana.
2. Smt. Alka w/o Kunal Dangra,
Aged about 34 years,
Occupation : Service,
R/o. Shri Residency, Near FMK School,
Alsana Road, Shegaon,
District Buldhana.

....NON-APPLICANTS

Mr. N. R. Saboo, Advocate for applicants.
Mr. N. B. Jawade, APP for non-applicant No.1/State.
Ms. S. H. Bhatia, appointed Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/03/2026

ORAL JUDGMENT :

1. Heard.
2. **Admit.**

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3. Heard finally with the consent of the learned Counsel for the parties.

4. By these applications, the relatives of the husband of the non-applicant No.2 preferred these applications for quashing of the FIR in connection with Crime No.159/2024 registered with Police Station Shegaon, District Buldhana for the offence punishable under Sections 323, 498A, 504 and 506 read with Section 34 of the Indian Penal Code (for short 'IPC') and the consequent proceeding arising out of the same bearing RCC 57/2026 pending before the learned Judicial Magistrate First Class, Shegaon.

5. The applicants in Criminal Application (APL) No.700/2024 are the cousin in-laws of the non-applicant No.2 and the applicants in Criminal Application (APL) No.997/2024 are the nearest relatives of the husband of the non-applicant No.2. The crime is registered on the basis of the non-applicant No.2 on an allegation that her marriage was performed in the year 2012 along with Kunal Rajkumar Dangra at Shegaon and she is having two children from the said wedlock. The matrimonial relationship is still in existence. Her husband is in a business of selling and purchasing of the plots. After marriage of 5 to 6 months, she treated well and thereafter they started raising quarrels for transferring the plot in the name of her husband. Similarly, she

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was ill-treated by demanding the golden as well as silver ornaments. Her ornaments are also snatched by her mother-in-law. They also ill-treated her as she should not conceived and there should be an abortion if she conceived the child. On the basis of the said report, police have registered the crime against the present applicants. It is alleged that the present applicants who are the nearest relatives have also instigated her husband and on their instigation, the plot was transferred in the name of her husband and her husband has constructed a building on the said plot and received the monetary gain. On the basis of the said report, police have registered the crime against the present applicants.

6. Heard learned counsel for the applicants, who submitted that as far as the present applicants are concerned, who are the nearest relatives of the husband of the non-applicant No.2, merely because they are the relatives, they are implicated on the basis of false and baseless allegations. He submitted that even accepting the allegations as it is, except the allegation of the instigation, there is no other allegations levelled against them and therefore, no *prima facie* case is made out against them. In view of that, the application deserves allowed.

7. Per contra, learned APP and learned counsel for the complainant strongly opposed the said contention and submitted

that there are specific allegations against the present applicants. The present applicants, who are the nearest relatives have instigated her husband and her husband has insisted her to transfer the said plot in his name, accordingly, the plot was transferred due to the consistent ill-treatment at the hands of the present applicants and her husband has constructed a building regarding the same. The arbitration proceeding was initiated which was decided in favour of the non-applicant No.2. She submitted that considering the nature of the ill-treatment at the hands of the present applicants, *prima facie* case is made and hence, the application deserves to be rejected.

8. After hearing both sides and on perusal of the entire investigation papers, it reveals that the present applicants are the nearest relatives of the husband of the non-applicant No.2. The marriage between the non-applicant No.2 and her husband was performed in the year 2012. After marriage, she begotten two children and this FIR came to be lodged against the present applicants. Even accepting the allegations as it is, it reveals that the allegation against the present applicants is only to the extent that they have instigated her husband and due to their instigation, the plot was transferred in the name of her husband and thereafter, her husband has received monetary gain. There is no dispute that the present applicants are the relatives and it is apparent from the record that they are implicated in the

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alleged offence merely because they are the relatives and there is no specific instance narrated by the non-applicant No.2, as far as the ill-treatment at their hands is concerned. To attract the offence and to constitute the cruelty there has to be any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to her life, limb or health, or harassment of a woman where such harassment is with a view to coercing her any person related to her to meet any unlawful demand for property or valuable security.

9. Admittedly, there is an allegation regarding the valuable property or valuable security and demand thereof but it is against the co-accused i.e. husband of the non-applicant No.2. Only allegation against the applicants is that they have instigated. What type of instigation was there, the FIR is completely silent about the same. There is no doubt that the object of introducing CHAPTER XXA containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife or coerce her or her relatives to satisfy unlawful demands of dowry. In any event the willful act or conduct ought to be the proximate cause in order to bring home the charge under Section 498-A and not de-hors the same.

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10. In the light of the above said provisions, if the allegations against the present applicants are looked into which is general omnibus and baseless in nature. The sweeping allegations are levelled against them. It is now well settled that mere reference of the names of the relatives in absence of any specific allegations and specific instances against them would not be sufficient to attract the offence punishable under Section 498A of IPC. In view of that, both the applications deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) Criminal Application (APL) Nos.700/2024 and 997/20924 are hereby allowed.

(ii) The FIR in connection with Crime No.159/2024 and the consequent proceeding arising out of the same bearing RCC 57/2026 pending before the Judicial Magistrate First Class Shegaon, are hereby quashed and set aside to the extent of the present applicants.

(iii) The fees of the appointed counsel be quantified as per rules.

Both the applications are disposed of.

(URMILA JOSHI-PHALKE, J)