



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

CRIMINAL APPLICATION (APL) NO.1027/2024

1. Rajeev S/o. Krushnarao Gaykee
Aged about 38 years, Occu. Service,
R/o. 4, Sudarshan Nagar,
Siddhivinayak Apartment,
Chinchwad, Pune.
2. Maya W/o. Krushnarao Gaykee,
Aged about 66 years, Occu. Retired
R/o. 44, Ashtavinayak Colony,
Hudkeshwar Road, near Ganesh
Mandir, Nagpur.
3. Krushnarao S/o. Gulabrao Gaykee,
Aged about 73 years, Occu. Retired
R/o. 44, Ashtavinayak Colony,
Hudkeshwar Road, near Ganesh
Mandir, Nagpur.
4. Rohan S/o. Krushnarao Gaykee
Aged about 33 years, Occu. Private
service, R/o. 44, Ashtavinayak Colony,
Hudkeshwar Road, near Ganesh
Mandir, Nagpur.
5. Rashmi W/o. Amit Saratkar,
Aged about 40 years, Occu. Service,
R/o. Plot No. 20, Sector 50, Khargar,
New Mumbai.

... APPLICANTS

...VERSUS...

1. The State of Maharashtra,
Through Police Station Officer,

Police Station Achalpur,
Dist. Amravati.

2. Pranjali W/o. Rajeev Gaykee,
Aged about 31 years, Occu. Private
Service, R/o. %. Shankar Shriramji
Lokhande, Malveshpura, Achalpur,
Tah. Achalpur Dist. Amravati.

...**NON-APPLICANTS**

Shri I.S. Charlewar, Advocate for applicants
Shri G.S. Umale, APP for non-applicant No.1/State
Ms N.M. Masurkar, Advocate for non-applicant No.2

CORAM : PRAVIN S. PATIL, J.

DATED : 16.02.2026

ORAL JUDGMENT

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

2. By this application, the challenge is to quash and set
aside the proceedings vide chargesheet No.60/2025 arising out of
Crime No.195/2024 registered with police Station Achalpur,
District Amravati, for the offences punishable under Sections 498-A,
504, 506 read with 34 of the Indian Penal Code.

3. The applicant No.1 is the husband, applicant No.2 is the mother-in-law, applicant No.3 is father-in-law, applicant No.4 is brother-in-law and applicant No.5 is sister-in-law of non-applicant No.2. All these applicants approached before this Court with a submission that even the allegation leveled in the First Information Report are taken at its face value and accepted in its entirety, the offences punishable under Sections 498A, 503 and 506 are not attracted in the matter and seeks indulgence of this Court in the matter.

4. The applicants pointed out the mutual agreement between the applicant No.1 husband and non-applicant No.2 was executed on 17.01.2024, stating thereby that since last 1 ½ years they are residing separately. However, as their matrimonial dispute is not resolved, non-applicant No.2 and her daughter want to move from their place for official reason, hence, all the articles were returned back to non-applicant No.2 with the understanding that they will not lodge any complaint against each other. This document is duly notarised and bears the signature of non-applicant No.2 along with witnesses.

5. After execution of mutual settlement between applicant and non-applicant No2, lodged police complaint on 19.06.2024 alleging that she was not given respectful treatment by the applicant as daughter-in-law, applicant No.1 being alcoholic, used to beat her if she did not pay him money and main allegation was leveled that applicants used to ask her to transfer the plot owned by her father in the name of husband. It is alleged that on 16.01.2024, when she was at Nagpur with mother, all the applicants stated that if she is ready to transfer the ownership of plot in the name of husband, then only they will allow her to cohabit. At that time, police reached there on her call. After that applicants ousted her from house, hence on 14.02.2024, she lodged police complaint in the matter.

6. The applicant pointed out that entire allegations are vague and general in nature. In absence of specific allegations, applicants cannot be implicated in matrimonial dispute. It is necessary for complainant to specifically state the date, time and nature of harassment etc. But, from the allegation of non-applicant

No.2, it is clear that though she was not residing with applicant's family since last 1½ years before 17.01.2024, made allegation about 16.01.2024. Hence, there is doubt of trustworthiness in the allegation made by her in the matter.

7. The Hon'ble Supreme Court of India has consistently held that if such frivolous complaints are lodged at the instance of non-applicant No.2, then this Court should exercise the powers and avoid the agony, which is likely to be caused to the applicants, who are not at all involved in such offence. It will be proper to refer the judgment of the Hon'ble Supreme Court of India in the case ***Achin Gupta Vs. state of Haryana reported in AIR 2025 SC 2548***, wherein all these issues were entirely discussed and held that if the Court is convinced by the fact that involvement of the applicants and his relatives, in any offence with an oblique motive, then even if the First Information Report and chargesheet disclosed the commission of cognizance offence, the Court with a view to doing substantial justice should read in between the lines of oblique motive of the complainant and take pragmatic view of the matter.

8. In the present matter, I am of the considered opinion that with an oblique motive, the complaint was lodged against the present applicants. Hence, indulgence of this Court is necessary in the matter. Accordingly, in my opinion, continuing the proceedings against the applicants would nothing but abuse of process of law. Hence, I proceed to pass the following order:

ORDER

- i) The application is allowed.
 - ii) The proceedings against applicants registered vide chargesheet No.60/2025 arising out of Crime No.195/2024 registered with police Station Achalpur, District Amravati, for the offences punishable under Sections 498-A, 504, 506 read with 34 of the Indian Penal Code, is hereby quashed and set aside.
9. The application stands disposed of. No order as to the costs.

(PRAVIN S. PATIL, J.)

R.S. Sahare