



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

**CRIMINAL APPLICATION (APL) NO. 1048 OF 2024**

1. Sonekshsingh s/o Laxminarayansingh Hazari, Aged about : 28 Years, Occu : Service; R/o 204, Voski Emerald, Tulja Bhavani Nagar, Behind Mithas Sweets, Pune.
2. Laxminarayan s/o Jaysingh Hazari  
Aged about : 67 Years, Occu : Business;
3. Sau. Sunita w/o Laxminarayansingh Hazari  
Aged about : 60 Years; Occu : Household;  
  
Applicant Nos.2 and 3 R/o Tarasingh Market, Nanded, Tahsil and District Nanded.
4. Neha d/o Laxminarayansingh Hazari  
Aged about : 30 Years; Occu : Service;  
  
R/o 204, Voski Emerald, Tulja Bhavani Nagar, Behind Mithas Sweets, Pune.
5. Shraddha w/o Shivalendrasingh Thakur  
Aged about : 40 Years; Occu : Household;  
R/o 5-6-40, Old Vegetable Market, Tandur Rangareddi, Andhra Pradesh.
6. Kanchan w/o Vikramsingh Pardesi  
Aged about : 37 Years; Occu : Household;  
R/o Flat No. A-17, Karma Heights, Kate Galli, Tapowan Link Road, Dwarka, Nashik, Tahsil and District Nashik.
7. Sonam w/o Abhaychandra Singh  
Aged about : 35 Years; Occu : Household;

R/o Shrinidhi, 109, Govindpuram  
Extension, Champegauda Nagar, Behind  
N.E.T. Public School, Bangalore.

... APPLICANTS

**VERSUS**

1. The State of Maharashtra,  
through the Police Station Officer, Police  
Station, Gadge Nagar, Amravati, Tahsil and  
District Amravati.
2. Shubhangi w/o Sonekshsingh Hazari  
Aged : 28 Years; Occu : Household; R/o  
Pundlikbaba Nagar, Gadge Nagar, Amravati,  
Tahsil and District Amravati.

... NON-APPLICANTS

Mr. N. B. Kalwaghe, Advocate for Applicants.  
Mr. S. B. Gandhe, Advocate for Non-applicant No.2.  
Mr. M. J. Khan, APP for Non-applicant No.1/State.

**CORAM** : PRAVIN S. PATIL, J.  
**DATE** : JANUARY 20, 2026.

**ORAL JUDGMENT**

. Heard. **Rule.** Rule made returnable forthwith. Heard finally by  
consent of the learned Counsel for both sides.

2. By this Application, the Applicants are seeking quashment of the  
proceeding bearing Regular Criminal Case No. 781/2024 pending on the file of  
Judicial Magistrate First Class, Amravati and the Chargesheet No. 257/2024

dated 6/5/2024 arising out of Crime No. 93/2024 for the offence punishable under Sections 498-A, 323 and 504 read with Section 34 of Indian Penal Code registered with Police Station, Gadge Nagar, Amravati.

3. The Applicants herein are husband, father-in-law, mother-in-law and sister-in-law of Non-applicant No.2.

4. In short, case of the prosecution is that, after her marriage on 12/5/2018, there was persistent demand of Rs.30,00,000/- from the parents of husband. On that count, the Non-applicant No.2 was mentally and physically harassed by them. It is stated that the Applicant/husband having job at Pune, therefore, she went at Pune and cohabited with him. However, during the pandemic of COVID-19, she came back at Nanded and was cohabiting with in-laws. It is alleged that earlier to her marriage, the sister of husband has performed marriage with her maternal cousin brother, but due to some reason it was break down, since then the sister-in-law i.e. Applicant No.4 – Neha was residing with her family. So also elder sister of the Applicant/husband i.e. Applicant No.5 – Shraddha came for residing at her house. From that day there was more quarrels in the family. She was not given proper treatment during her pregnancy period. After the birth of female child, no one was happy.

Thereafter she had been shifted with her husband at Pune on 12/1/2023. It is alleged that she came to know that Applicant/husband is having love affair with one Shweta Lakhe and sister-in-law Neha was supporting her husband in his love affair and used to go out of station with that Shweta.

5. On 3<sup>rd</sup> September, her husband, while consuming liquor with her sister-in-law Neha, they received a call in the late night at around 2.00 a.m. and they both went away from home. At that time, she asked her brother namely, Naval to search out the location of Applicant/husband and Applicant No.4 – Neha. At that time, her husband was found engaged in vulgar behaviour with girlfriend. That time Applicant/husband threatened to Non-applicant No.2 and her brother. The parents of the Applicant/husband, against whom the Non-applicant No.2 raised grievance, not supported her in the matter. Hence, on the basis of these allegations offence came to be registered against the Applicants in the matter.

6. It is submitted by the Applicants that Non-applicant No.2 is skeptical person and due to which there was matrimonial discord. It is also pointed out that Applicant No.4, who was married with cousin brother of the Non-applicant No.2, lodged First Information Report No. 250/2021 on

18/7/2021 for the offences punishable under Section 498-A, 323, 504, 506 of Indian Penal Code against their family members. As such, as a counter blast, the Non-applicant No.2 lodged report against the Applicants in the matter. It is also pointed out that there is an inordinate delay in lodging complaint and no explanation is given by the Non-applicant No.2. Applicant Nos.5 to 7 are married and residing separately and have no concern with the Non-applicant No.2. No specific allegations are levelled against the Applicant Nos.4 to 7. The Applicant Nos.2 and 3 are old aged persons and suffering from various ailments and residing at Nanded. As such, considering the allegations levelled against them, in the abovesaid background, even if taken on its face value, no offence under Section 498-A of IPC is made out in the matter. Therefore, they sought quashment of entire proceeding in the matter.

7. The Non-applicant No.2 has strongly opposed the Application and pointed out from the chargesheet placed on record, more particularly, police complaint which was lodged by the Non-applicant No.2 dated 30/10/2023, whereby it is specifically stated that Applicant No.4 – Neha's marriage was performed with cousin brother of Non-applicant No.2, however, their marriage was not successful and Applicant No.4 – Neha returned back to reside with the Applicants after getting mutual divorce. As such, since the year 2019 Applicant

No.4 – Neha is residing with the Applicants. It is further alleged that Applicant No.1 is having extra marital relation with one Shweta Lakhe. When this fact came to the knowledge of Non-applicant No.2, she made enquiry about the same with the Applicant No.1. From that date she was tortured by the Applicants. As such, Non-applicant No.2 reiterated the contents of her complaint and prayed to reject the Application.

8. On perusal of record it is seen that all the family members of the Applicant No.1 are implicated by the Non-applicant No.2 as co-accused in the matter. However, as per the settled principles of law, for attracting the offence under Section 498-A IPC, it is necessary for the complainant to specifically mention the date, time, place and manner in which the harassment is caused to her. In the present case, as stated above, the specific allegations are levelled against only the Applicant Nos.1 and 4 only and no allegations are levelled against the Applicant Nos.2, 3, 5, 6 and 7. They are only arraigned as accused in the matter, without attributing any role in alleged harassment caused to her.

9. In this regard, it is relevant to refer the Judgment of Hon'ble Supreme Court of India in the case of *Preeti Gupta and Another V/s State of Jharkhand and Another, (2010) 7 SCC 667*, wherein it was held that 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. The allegations of harassment of husband's close relations who had been living at different places and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. In such cases, the allegations are required to be scrutinized with great care and circumspection.

10. In the present matter after perusal of complaint and chargesheet, only allegations are made against the Applicant/husband and sister-in-law namely Neha. No specific allegations are made against the other Applicants. Vague and omnibus allegations are made against the parents of Applicant/husband. It is pertinent to note that during the pandemic of COVID-19 she was at Nanded, but before and after that she was residing at Pune. Parents are residing at Nanded. Hence, allegations against them seems to be not trustworthy. In respect of Applicant Nos.5, 6 and 7 no allegations are made by the Non-applicant No.2. It is clear that out of general tendency to implicate all family members in criminal offence, by making general and vague allegations, implicated them in the offence. Hence, in my considered opinion, no offence is made out against the Applicant Nos.2, 3, 5, 6 and 7 in the matter.

11. Perusal of record shows that there are allegations against the Applicant/husband and sister-in-law. All these allegations cannot be gone through by this Court. In my opinion, evidence is required to consider the said allegations by the trial court. Hence, without going into the same, I am of the opinion that trial may go on against the Applicant/husband and sister-in-law i.e. Applicant No.4 – Neha in the matter.

12. In the light of above factual and legal position and the law laid down by the Hon'ble Supreme Court of India, in my opinion, an offence is made out only against the Applicant Nos.1 and 4 and not against the Applicant Nos.2, 3, 5, 6 and 7. In such circumstances, in my opinion, continuing the criminal proceeding against the Applicant Nos.2, 3, 5, 6 and 7 will amount to abuse of process of law, and therefore, interference of this Court is necessary to certain extent. Hence, I proceed to pass following order.

#### ORDER

1. Criminal Application is partly allowed.
2. Regular Criminal Case No. 781/2024 pending on the file of Judicial Magistrate First Class, Amravati and the Chargesheet No. 257/2024

dated 6/5/2024 arising out of Crime No. 93/2024 for the offence punishable under Sections 498-A, 323 and 504 read with Section 34 of Indian Penal Code registered with Police Station, Gadge Nagar, Amravati is hereby quashed and set aside against the Applicant Nos.2, 3, 5, 6 and 7 only.

3. It is made clear that proceeding will be continued against the Applicant Nos.1 and 4.
4. It is clarified that the learned Magistrate shall not get influenced by the observations made by this Court in the present Application while deciding Regular Criminal Case No. 781/2024. The said proceeding shall be decided on its own merits.
5. Rule is made absolute in above terms. No order as to costs.

**[PRAVIN S. PATIL, J.]**