



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (APL) NO. 1186 OF 2024**

1. Vijay s/o Namdeo Chune
Aged about : 35 Years, Occu : Service; R/o
Aamrai Ward, Tahsil Ghuggus, District
Chandrapur.
2. Namdeo Wasudeorao Chune
Aged about : 68 Years; Occu : Retired; R/o
Aamrai Ward, Tahsil Ghuggus, District
Chandrapur.
3. Chandrakala w/o Namdeo Chune
Aged about : 60 Years; Occu : Housewife;
R/o Aamrai Ward, Tahsil Ghuggus, District
Chandrapur.
4. Sandip s/o Namdeo Chune
Aged about : 40 Years; Occu : Business; R/o
Aamrai Ward, Tahsil Ghuggus, District
Chandrapur.
5. Mrs. Jyoti w/o Prakash Wade
Aged about : 38 Years; Occu : Business; R/o
Sindewahi, Tahsil Sindewahi, District
Chandrapur.

... **APPLICANTS**

VERSUS

1. The State of Maharashtra
through Police Station Officer, Ghuggus,
Tahsil Ghuggus, District Chandrapur.
2. Mrs. Kajal w/o Vijay Chune
Aged about : 26 Years; Occu : Housewife;
presently R/o C/o Shankarrao Barsagade,

Hamurja Majjid, Barsagade Bhavan,
Gadchandur, Korpana, District Chandrapur.

... NON-APPLICANTS

Mr. A. D. Mhala, Advocate a/w Mr. Varun Kataria, Advocate for Applicants.

Mr. A. A. Dhawas, Advocate for Non-applicant No.2.

Mr. G. S. Umale, APP for Non-applicant No.1/State.

CORAM : PRAVIN S. PATIL, J.

DATE : FEBRUARY 06, 2026.

ORAL JUDGMENT

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

2. By this Application, the Applicants are seeking quashment of Regular Criminal Case No. 1115/2025 pending on the file of Chief Judicial Magistrate, Chandrapur and Chargesheet No. 88/2025 dated 16/12/2025 arising out of Crime No. 307/2024 for the offence punishable under Sections 85 read with Section 3(5) of Bhartiya Nyaya Sanhita, 2023.

3. The present Applicants, who are the husband, father-in-law, mother-in-law, brother-in-law and sister-in-law of Non-applicant No.2, approached before this Court on the ground that even though the allegations levelled by the Non-applicant No.2 in her complaint are taken at its face value

in its entirety, no offence as alleged, is made out against them, and therefore, seeks indulgence of this Court in the matter.

4. The learned APP and learned Counsel for Non-applicant No.2 has strongly opposed this Application. According to them, specific allegations are made against the present Applicants. Hence, considering the nature of allegations levelled against the Applicants in the complaint as well as statements recorded during the course of investigation, *prima facie*, case is made out against the Applicants for the offence punishable under Section 85 of Bhartiya Nyaya Sanhita. Therefore, they sought rejection of the present Application.

5. In the light of 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.

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 omnibus allegations. Therefore, this 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.

7. To attract the offence, it is necessary that the allegations levelled against the Applicants 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 the Hon'ble Supreme Court in the catena of cases that mere trivial irritations, quarrels between spouses which happen in

day-to-day married life 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. 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 omnibus allegations. Therefore, this 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.

10. After considering the submission as well as law laid down by the Hon'ble Supreme Court of India, I have also gone through the complaint and the statements recorded by the Investigating Officer in the matter. From the record it is clear that the allegations against the present Applicants are that the Applicants used to taunt her and quarrel with her on trivial issues. It is alleged that on 13/6/2024 when she was serving the breakfast to her child, that time sister-in-law and brother-in-law has abused her stating that why she is residing in their house. Hence, she has left the company of the Applicants and went to

her parents house. As such, bare perusal of the entire complaint clearly shows that allegations are of trivial nature. No specific or serious allegations are seems to be present in the complaint.

11. It is pertinent to note that to attract the rigor of Section 85 of Bhartiya Nyaya Sanhita, cruelty is to be of such a nature that because of the same she was required to take such a decision which ordinary prudent person in normal course would not take in the matter. However, from the conduct of present Applicants and the allegations levelled against them do not show that any such harassments were made by the Applicants to the Non-applicant No.2 in the matter. The allegations made in the matter are day-today petty quarrels between the family members.

12. In the circumstances, in any case, no offence is made out against the present Applicants for the offence under Section 85 of Bhartiya Nyaya Sanhita. Hence, in my considered opinion, continuation of the proceeding against the present Applicants would nothing but the abuse of process of law. Hence, I proceed to pass following order.

ORDER

1. Criminal Application is allowed.

2. Regular Criminal Case No. 1115/2025 pending on the file of Chief Judicial Magistrate, Chandrapur and Chargesheet No. 88/2025 dated 16/12/2025 arising out of Crime No. 307/2024 for the offence punishable under Sections 85 read with Section 3(5) of Bhartiya Nyaya Sanhita, 2023 are hereby quashed and set aside.
3. Rule is made absolute in above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

vijaya