



Judgment

22 apl1279.24

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

CRIMINAL APPLICATION APL NO.1279 OF 2024

1. Subhash s/o Ramji Jadhav,
aged about 69 years,
occupation: retired.

2. Nila w/o Subhash Jadhav,
aged about 54 years,
occupation: household.

Both r/o Mahsul Colony, Karanja
Lad, taluka Karanja Lad,
district – Washim.

3. Satish s/o Subhash Jadhav,
aged about 35 years,
occupation: private,
r/o Damoh, district – Damoh (M.P).

4. Sonali w/o Satish Jadhav,
aged about 21 years,
occupation: service,
r/o Sai Nagar, Amravati, taluka and
district – Amravati.

5. Shubham s/o Subhash Jadhav,
aged about 30 years,
occupation: education,
r/o Bibewadi, Pune, district Pune. **Applicants.**

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1. State of Maharashtra,
through Police Station
Officer, P.S.Digras, taluka Digras,
district – Yavatmal.

2. Sau.Sonali Dhiraj Jadhav,
aged about 25 years,
occupation: household
r/o Sudarshan Colony, Pusad
Byepass Road, Digras, tahsil Digras,
district – Yavatmal. **Non-applicants.**

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Shri A.D.Girdekar, Counsel for Applicants.

Shri N.B.Jawade, APP for the State.

Shri A.A.Zade, counsel for NA No.2.

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CORAM : URMILA JOSHI-PHALKE, J.

DATE : 12/03/2026

ORAL JUDGMENT

1. Heard learned counsel appearing for the respective parties.

Admit. Heard finally by consent.

2. By this application, applicants are seeking quashing of FIR
in connection with Crime No.408/2024 registered with non-
applicant No.1 police station for offences under Sections 323, 498-
A, and 504 read with 34 of the IPC and consequent proceeding
arising out of the same bearing RCC No.227/2025 pending before
learned JMFC, Digras, district Yavatmal.

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3. The crime is registered on the basis of a report lodged by non-applicant No.2 (the complainant) on allegations that her marriage was solemnized with one Dhiraj Jadhav as per the customs and rituals. After the marriage, she resumed cohabitation, but she was ill-treated on demand of dowry as well as for various reasons. It is alleged that present applicants were insisting her husband and on their instigation, her husband was ill-treating her. She has specifically alleged that her mother-in-law obtained her all gold ornaments and gifts and articles from her and she was ill-treating on various reasons as well as her husband has assaulted her and thereby ill-treated her physically and mentally.

On the basis of the said report, the police have registered the crime against present applicants.

4. Learned counsel for applicants submitted that as far as present applicants are concerned, they are relatives of the husband of the complainant. They are implicated in the alleged offence merely on the basis of general, omnibus, and sweeping allegations. He submitted that no specific instances are narrated as far as ill-treatment at the hands of present applicants is concerned. He

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submitted that no willful conduct is narrated by the complainant on the part of present applicants. Merely because the dispute arose between the husband and wife, they are implicated in the alleged offence.

In view of that, the application deserves to be allowed.

5. Learned APP for the State has strongly opposed the said contentions and submitted that considering specific allegations levelled against present applicants, who are in-laws of the complainant, the application deserves to be rejected.

6. Learned counsel for the complainant submitted that despite communications, he could not get response from the complainant and, therefore, he is unable to make submissions.

7. On hearing both sides and perusing the entire investigation papers, it reveals that present applicants are mother-in-law, father-in-law, brother-in-law, and sister-in-law of the complainant. The entire allegations are levelled against the husband of the complainant. She has narrated instances against her husband.

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8. As far as present applicants are concerned, admittedly, nature of ill-treatment at their hands is also not mentioned. No willful conduct is narrated by the complainant by narrating any specific instances against present applicants.

9. Section 498-A of the IPC defines that, "cruelty means," 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 life, limb or health (whether mental or physical) of the woman.

10. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the IPC was to prevent torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punish a husband and his relatives who harasses or tortures wife to coerce her or her relatives to satisfy unlawful demands of dowry. the willful act or conduct ought to be proximate in order to bring home the charge under Section 498A of the IPC.

11. In absence of any specific instances or willful conduct on the part of present applicants, no offence is made out against them.

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12. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(1) The criminal application is **allowed**.

(2) FIR in connection with Crime No.408/2024 registered with non-applicant No.1 police station for offences under Sections 323, 498-A, and 504 read with 34 of the IPC and consequent proceeding arising out of the same bearing RCC No.227/2025 pending before learned JMFC, Digra, district Yavatmal are hereby quashed and set aside to the extent of present applicants.

Application is **disposed of**.

(URMILA JOSHI-PHALKE, J.)