



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

CRIMINAL APPLICATION (APL) NO. 1524 OF 2024

APPLICANT: Nikhil Pundlik Pathrabe,
Aged about 33 years, Occu: Service.
R/o 153, Collector's Colony,
Near Prabhat Sabhagruh, Godhani, Nagpur.
(Husband of complainant)

...V E R S U S...

NON-APPLICANTS 1. The State of Maharashtra,
Through Police Station Officer, Police
Station Mankapur, District Nagpur.

2. Snehal w/o Nikhil Pathrabe,
Aged about 27 years, Occupation: Service,
R/o Plot No. 122, Shilpa Society, Behind
Narendra Nagar, Near N.I.T. Garden,
Nagpur. (Complainant /Victim)

AND

CRIMINAL APPLICATION (APL) NO. 1369 OF 2024

APPLICANTS: 1. Ms. Rashmi w/o Parag Sonkusre,
Aged about 40 years, Occ- Service,
R/o West Wing Residency, Sector-4,
Karanjade, Panvel, Navi Mumbai
(Sister-in-law)

2. Shri Vijay s/o Raghunath Pathrabe,
Aged 67 years, Occu: Retired, R/o 770,
near Nandanwan Water Tank, Nagpur.
(Brother-in-law)

...VERSUS...

NON-APPLICANTS

1. The State of Maharashtra,
Through Police Station Officer, Mankapur,
District Nagpur.
2. Mrs. Snehal Nikhil Pathrabe, (Wife)
Aged about 27 years, Occu: Service,
R/o 122, Shilpa Society Behind Narendra
Nagar, near NIT Garden, Nagpur, District
Nagpur. (Wife)

Mr. K.R. Giripunge, counsel holding for Mr. S.V. Sirpurkar, counsel
for applicant in APL No. 1524 of 2024.

Mr. Pratik Ramesh Puri, counsel for applicant in APL No. 1369 of
2024.

Ms D.I. Charlewar, APP for non-applicant/State.

Ms. A.S. Jain, counsel for non-applicant No.2 in APL No. 1524 of
2024

Mr. C.F. Bhagwani, counsel for non-applicant No.2 in APL No. 1369
of 2024.

CORAM

: PRAVIN S. PATIL, J.

DATE

: 13/01/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of
learned counsel Mr. K.R. Giripunge, learned counsel for applicant in APL
No. 1524 of 2024, Mr. Pratik Ramesh Puri, learned counsel in APL No.
1369 of 2024, Ms. D.I. Charlewar, learned APP for non-applicant/State,
Mr. A. Jain, learned counsel for non-applicant No.2 in APL No. 1524 of

2024 and Mr. C.F. Bhagwani, learned counsel for non-applicant No.2 in APL No. 1369 of 2024, both these applications are taken up for final hearing at the admission stage.

2. In both these applications, the challenge is to the proceedings bearing Regular Criminal Case No. 2927 of 2023 arising out of Charge-sheet No. 91/2023 dated 08/08/2023, arising out of Crime No.0009/2023 for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.

3. As per the case of the prosecution, that present non-applicant No.2 lodged a police complaint on 18/01/2023, wherein it is alleged that she was subjected to ill treatment by the husband, sister-in-law and uncle father-in-law. It is stated in the complaint that on several occasions, the applicant/husband had assaulted the non-applicant No.2 with kick and fist blows. She has further stated that the sister-in-law as well as uncle father-in-law has also involved in the incident and therefore, the offence punishable under Section 498-A is made out, and accordingly, the inquiry be conducted in the matter. On the complaint of the present non-applicant No.2, the crime was registered and inquiry was initiated. After conducting the inquiry, charge-sheet was filed on 08/08/2023 vide charge-sheet No. 91/2023, accordingly Regular Criminal Case No.2927/2023, is now pending before the Judicial Magistrate First Class, Nagpur.

4. The submission of the present applicants in the present case is that, the entire allegations which are levelled against them taken at their face value do not constitute an offence under Section 498-A of the IPC.

According to the applicants, the allegations made against them are vague and omnibus in nature. Hence, they prayed interference of this Court in the matter and to quash and set aside the entire proceedings initiated in the matter.

5. I have heard both the counsels at length and perused the record as well as the case laws, which were pointed out by the parties.

6. At the outset, it will be necessary to mention that offence punishable under Section 498-A of the IPC against the husband or relatives subject to have woman cruelty. The cruelty is explained particularly clause(a) and (b). The first limb of clause 498-A of the Indian Penal Code states that cruelty means any willful conduct that is of such a nature as is likely to drive to woman suicide. The second limb of clause(a) of Explanation to Section 498A of the IPC, states that cruelty means any wilful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. Clause (b) of the Explanation of Section 498A of the IPC states that cruelty would also include harassment of the woman where such harassment is to coerce her or any person related to her 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.

7. In the light of this provisions, it is necessary to consider the allegations which are made in the complaint and the information collected during the investigation conducted by the prosecution in the matter. The complaint dated 18/01/2023 lodged by the non-applicant No. 2 states that she is working as Software Engineer at Infosys Pune.

The marriage was solemnized between the parties on 22/05/2022. Immediately after the marriage, she along with husband Nitin started cohabitation at Hyderabad.

8. According to the complainant, on 27/08/2022, when she reach to Godhani, Nagpur, the husband, without any reason, assaulted her by giving fist blows and after that they returned back to the Hyderabad. It is also stated that on 07/10/2022, she was taken to the house of sister-in-law at Mumbai, where, in presence of her sister-in-law, she was beaten by her husband, but there was no reaction nor interference at the instance of her sister-in-law. Lastly, the allegation is that on 23/10/2022, the husband has beaten her for trivial reasons and then there was a meeting of uncle father-in-law with the parents of the present applicant on 25/10/2022. In the said meeting uncle father-in-law suggested to take back the non-applicant no.2 for some period. During which everything will be resolved. But thereafter she was not taken back by applicants.

9. It is necessary to point out that in a matrimonial matter, the Court owes a duty to subject the allegations levelled in the complaint do careful and thorough scrutiny to find out whether prima-facie, there is any truthness in the allegations, or whether they are made only with a sole object of involving certain individuals in the criminal charge. So also the offence is made out under Section 498-A of Act. In that view of matter it will be relevant to refer the judgment the Hon'ble Supreme Court of India in the case of *Dara Lakshmi Narayana & Others Vs State Of Telengana and another* reported in (2024) 12 SCR 559, has specifically observed in para 28 and 31 as under :-

28. The inclusion of Section 498A of the IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.

*31. Further, this Court in **Preeti Gupta vs. State of Jharkhand (2010) 7 SCC 667** held that the courts have 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 by the husband's close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection"*

10. So also, the Hon'ble Supreme Court of India in the case of **Geeta Mehrotra & Anr vs State Of U.P. & Anr reported in (2012) 10 SCC 741** , has held that casual reference of the names who have been included in the FIR or the family members in a matrimonial dispute without allegations of active involvement in the matter would not justify taking cognizance against them. The Court further observed, overlooking the fact borne out of experience that there is a tendency to involve the

entire family members of the household in the domestic quarrel taking place in a matrimonial dispute specially if it happens soon after the wedding.

11. In the present case, considering the FIR and the statements of the witnesses, it is clear that the allegations which are made against the applicant /husband as well as the relatives are vague and general in nature. There is no specific instance is pointed out whereby it can be concluded that such instances attract the provisions of Section 498-A of IPC.

12. Is is well settled position of law in the cases arising out of matrimonial dispute it is necessary that allegations levelled against applicant should be concrete and precise. In cases where informant failed to provide specific details such as date, time, place, manner in which alleged harassment is occurred, the Court is required to take a pragmatic approach and read the allegations between the lines.

13. In my opinion, the perusal of the entire record shows that no offence is made out against the present applicants in the matter. It seems that out of rage non-applicant No.2 with an intention to send all applicants behind the bar lodged the police complaint against the present applicants.

14. However, in the light of the provision of the law laid down by the Hon'ble Supreme Court of India, if the offence is not made out against applicants then they cannot be permitted to drag in the criminal proceedings. It will amount to abuse of process of law. Hence, in my opinion, it is a fit case for invoking the inherent powers under

Section 482 of the Criminal Procedure Code. Accordingly, I pass the following order.

ORDER

- a] The applications are **allowed**.
- b] The Regular Criminal Case No. 2927 of 2023 pending before Judicial Magistrate First Class, Nagpur arising out of charge-sheet No. 91/2023 and Crime No. 0009/2023 for the offence punishable under Section 498-A read with Section 34 of IPC is hereby quashed and set aside.

15. Rule is made absolute in the above terms. No order as to costs.

(PRAVIN S. PATIL, J.)