



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

CRIMINAL APPLICATION (APL) NO. 1397 OF 2024

APPLICANTS:

1. Swapnil s/o Shrawan Maskar,
Aged about 31 years,
Occupation: Agriculture.
2. Nirmala w/o Shrawan Maskar,
Aged about 58 years,
Occupation : Household,

Applicant Nos. 1 and 2 r/o Nimba,
Tq. Balapur, District Akola.
3. Archana Prakash Tayde,
Aged 39 years, Occ: Household,
R/o L-15, Vishal Garden,
Chakan, Shivapur Road, Pune
Tq. and District Pune.
4. Pallavi Anil Ganjare,
Aged about 30 years, Occu: Private
Service, R/o Jawahar Nagar,
Vaishnav Apartment, Akola,
Tq. and District- Akola.

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

NON-APPLICANTS

1. The State of Maharashtra,
through P.S.O., Police Station Khadan,
Akola, Tq. and District Akola.
2. Nikita Swapnil Maskar
(Nikita Bhaskar Kapde)
Aged 28 years, Occu: Household,
R/o Abhang Nagar, Wardhaman Nagar,
Ring Road, Akola,
Tq. and District Akola.

Ms Kaushiki R. Gadge, counsel holding for Mr. V.R. Deshpande,
counsel for applicants.

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

CORAM : PRAVIN S. PATIL, J.

DATE : 23/01/2026

ORAL JUDGMENT :

1. The office note shows that non-applicant No.2 is duly served, however when the matter is called out, none appeared on behalf of the non-applicant No.2.

2. Heard. By consent of learned counsel Ms Kaushiki R. Gadge counsel holding for Mr. V.R. Deshpande, counsel for applicants and Mr G.S. Umale, learned APP for non-applicant No.1, the application is taken up for final hearing at the stage of admission.

3. The applicants herein are the husband, mother-in-law, sister-in-law, and one lady against whom it is alleged that she was having a love relationship with the husband of the applicant.

4. The applicants have approached this Court for quashment of the proceedings registered vide Crime No. 1157 of 2021 for the offence punishable under Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code, on the ground that even if the allegations made in the complaint are accepted in

their entirety, the same do not establish of commission of any offence committed by the applicants as alleged in the complaint. Hence, they seek quashment of the proceedings in the matter.

5. In the light of the submission made by the applicants, I have gone through the complaint lodged by non-applicant No.2 as well as the charge-sheet which is placed on record.

6. From perusal of the charge-sheet, it is seen that non-applicant Nos. 2 has made general and vague allegations against the present applicants to the effect that informant was not treated respectfully in the matrimonial home, taunted on small and trivial issues, and was treated like a domestic servant. The allegation against the applicant/husband is that he is having illicit relations with applicant No. 4, and on the basis of these allegation, the offence came to be registered against the present applicants.

7. 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) harrassment 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.

8. 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.

9. To attract the offence, it is necessary that the allegations levelled against the Applicant's 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.

10. It is also held by the Hon'ble Supreme Court of India 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.

11. In view of allegation against Husband about his relation with Applicant No.4, it would be relevant to refer the Judgment of Hon'ble Supreme Court of India in the case of ***Pinakin Mahipatray Rawal Vs State of Gujrat reported in (2013) 10 SCC 48***, wherein it is observed that, "alleged extra-martial relationship of husband with another woman must be of such nature as is likely to drive the spouse to commit suicide. Mere fact that Husband developed some intimacy with another woman during subsistence of marriage and failed to discharge his marital obligations would not amount to cruelty". Hence, considering this settled proposition of law, mere allegation of non-applicant No.2 do not attract Section 498-A against Husband.

12. The allegations against the applicant No. 4 is that she is having illicit relations with the applicant No.1. However, applicant No.4 does not falls under the definition of "relative", as contemplated under Section 498-A of the IPC. Therefore, no offence under Section 498-A is made out against her.

13. The perusal of the entire record, and more particularly the allegations which are levelled against the present applicants, makes it is crystal clear that no date, time, or specific description of the harassment is stated in the entire complaint. Only vague and general allegations have been made. In my opinion, such vague and general allegations do not constitute the offence under Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code against the present applicants.

14. Considering the entire documentary evidence placed on record and the nature of allegations levelled by the non-applicant No.2, no offence is made out against the present applicants as alleged. Hence, in my opinion, continuing of criminal proceedings against the applicants is nothing but abuse of process of law. Hence, indulgence of this Court is necessary. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
- b] The FIR in Crime No. 1157 of 2021, dated 02/12/2021, along with charge-sheet No. 134 of 2022 dated 12/07/2012 registered at Police Station Khadan, Akola for the offence punishable under Sections 323, 498-A, 504, 506 read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.
- c] It is made clear that the charge framed against the present applicants on 27/11/2023 is also hereby quashed and set aside.

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

(PRAVIN S. PATIL, J.)