



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

CRIMINAL APPLICATION (APL) NO. 1414 OF 2024

APPLICANTS:

1. Rameshawar Chandrakant Nagre
(Husband of Informant) Age 35 years,
Occup- Police Constable.
2. Chandrakant Rajaram Nagre,
(Father in law of informant),
Age 55 years, Occup- Agriculturist.
3. Godawari Chandrakant Nagre
(Mother-in-law of informant)
Age 53 years, Occu--Household.
4. Nandkishor Chandrakant Nagre
(Brother in law of informant)
Age 53 years, Occup- Agriculturist.
5. Sau Rukhmina Nandkishor Nagre
(Wife of petitioner No.4)
Age 35 years, Occu- Household.
6. Dnyaneswar Chandrakant Nagre
(brother-in-law of informant),
Age 30 years, Occup- Agriculturist.
7. Sau. Puja Dnyaneswar Nagre,
(Wife of Petitioner No.6),
Age 28 years, Occu: Household.
8. Bhana Rajaram Nagre,
(Close relative of Petitioner No.1)
Aged 65 years, Occu: Agriculturist.
9. Aasha Bhana Nagre,
(Close relative of Petition No.1)

Age 58 years, Occu: Household
All above R/o Marshud Tq. Malegaon,
Dist. Washim (M.S.)

...VERSUS...

NON-APPLICANTS

1. State of Maharashtra,
through Police St. Yeoda,
Tq. Daryapur, District Amravati (M.S.)
2. Sau Pranjali Rameshwar Nagre,
(Informant wife of Petitioner No.1)
Age 24 years, Occu: Nil.
C/o Shankarrao Ramdhan Wagh
R/o Antargaon Shivaji, Tq. Daryapur,
Dist. Amravati
(Mob. No. 7499191009)

Mr Samir S. Das, counsel applicants.

Ms Soniya Thakur, APP for non-applicant/State.

CORAM : PRAVIN S. PATIL, J.

DATE : 23/01/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of learned counsel Mr S.S. Das, for the applicants and Ms Soniya Thakur, learned APP for non-applicant/State, with consent of the parties, the application is taken up for final hearing at the stage of admission.

2. The applicants herein are the husband, father-in-law,

brother-in-law and relatives of applicant No.1. They have been impleaded on the basis of the complaint of non-applicant No.2 dated 07/08/2024, vide Crime No.0200/2024, for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of Indian Penal Code, 1860.

3. The applicants have approached this Court mainly on the ground that even if the allegations levelled against them in the complaint are taken on its face value, and accepted in its entirety, no offence is made out under Section 498-A of the Indian Penal Code, 1860, in the matter. Secondly on the ground that allegations levelled against them are time barred.

4. In the light of submission made by the applicants as well as learned APP, I have gone through complaint lodged by the present non-applicant No.2 and documents enclosed with the application.

5. It is seen from the complaint that the allegations made by non-applicant No.2 was during the period from 07/11/2017 to 15/06/2021. However, the complaint came to be lodged and registered on 07/08/2024. Thus, there is an inordinate delay in lodging the complaint at the instance of non-applicants.

6. It is also pointed out by the applicants that before lodging the complaint, non-applicant No.2 had initially lodged the proceedings under Protection of Women under Domestic Violence Act on 02/09/2022. She also filed proceeding under Section 9 of

Hindu Marriage Act for restitution of conjugal rights on 13/09/2022 and, also filed the proceedings for maintenance under Section 125 of Code of Criminal Procedure, 1973. After that around 2 years later, lodged police complaint against Applicant, therefore it is clear that all allegation made in the complaint are afterthought. Hence, same loose its sanctity and creates doubt of ill-intention of non-applicant No.2 against Applicants.

7. In the light of the 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 or not.

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 omnibous allegations. Therefore, this Court is required to be extremely careful and cautions 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 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.

10. It is also held by 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.

11. Applicant has pointed out that under Section 468 of Code of Criminal Procedure there is a bar to take cognizance after the lapse of period of 3 years. Here, the complaint is filed after a period of 3 years for offence punishable under Section 498A of the Indian Penal Code. The same therefore cannot be entertained. To substantiate this proposition of law, he has relied upon the Judgment of this Court *Shashikant S/o Veerantappa Gajjari And Ors vs State Of Maharashtra And Ors* reported in 2023 ALL MR (CRI) 1327.

12. In light of the aforesaid legal position, I had also examined whether the allegations made by non-applicant No. 2 against the present applicants constitute an offence under Section 498-A of the Indian Penal Code. However, upon perusal of the complaint, particularly the allegations contained therein, it does not appear that the said allegations satisfy the essential ingredients of Section 498-A of the IPC.

13. The allegations levelled against the applicants are vague and omnibus in nature. The non-applicant No.2 failed to give specific date, time and nature of the alleged harassment and other details to constitute the offence under the provisions of law. In these circumstances, after considering the overall factual as well as legal position in the matter, I am of the considered opinion that no offence is made out against the present applicants.

14. In my opinion, continuing the proceeding against the present applicants would be nothing but an abuse of process of law. Therefore, I proceed to pass the following order:

ORDER

- a] The criminal application is **allowed**.
- b] The Crime No. 200 of 2024 of Police Station, Yeoda, Tq. Daryapur, District Amravati (Maharashtra) for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code, 1860, is hereby quashed and set aside.

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

(PRAVIN S. PATIL, J.)