



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

CRIMINAL APPLICATION (APL) NO. 1415 OF 2024

1. Mangesh @ Himat s/o Manoharrao Dahekar, Aged about : 37 Years, Occu : Labour;
2. Sau. Ashabai wd/o Manoharrao Dahekar, Aged about : 59 Years; Occu : Household;
3. Dhananjay s/o Manoharrao Dahekar, Aged about 40 Years, Occu : Kotwal;
4. Sau. Monali w/o Dhananjay Dahekar, Aged about : 36 Years, Occu : Household;

All R/o Ward No.2, Radhe Chowk, Kurha,
Tahsil Tiwasa, District Amravati.

... APPLICANTS

VERSUS

1. State of Maharashtra through Police Station Officer, Police Station, Babulgaon, District Yavatmal.
2. Savita w/o Mangesh Dahekar Aged about : 36 Years, Occu : Housewife; R/o Dabha Babulgaon, District Yavatmal.

... RESPONDENTS

Mr. S. S. Dhengale, Advocate for Applicants.
Ms. S. V. Kolhe, APP for Respondent No.1/State.

CORAM : PRAVIN S. PATIL, J.
DATE : JANUARY 21, 2026.

ORAL JUDGMENT

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

2. The Applicants herein are husband, mother-in-law, brother-in-law and sister-in-law of Respondent No.2. They are seeking quashment of the proceeding bearing Regular Criminal Case No. 2/2023 pending on the file of Judicial Magistrate First Class, Babhulgaon, District Yavatmal and Chargesheet No. 140/2022 dated 22/12/2022 arising out of Crime No. 726/2022 registered with Police Station, Babhulgaon, District Yavatmal on 4/11/2022 for the offence punishable under Section 498-A read with Section 34 of Indian Penal Code.

3. The main submission of the present Applicants is that even though the allegations levelled against them are taken at its face value and accepted in its entirety, no offence under Section 498-A of Indian Penal Code is made out against them, and hence, they sought quashment of the proceeding which was registered against them in the matter.

4. In short case of the prosecution is that, Respondent No.2 lodged

police complaint alleging that she was physically and mentally harassed at the instance of Applicant No.1 and his relatives. According to the Respondent No.2, Applicant Nos.2 to 4 have instigated her husband i.e. Applicant No.1 and thereby she was mentally and physically harassed and was treated by them as like a domestic servant. Hence, on these allegations offence came to be registered against the Applicants.

5. It is submitted by the Applicants that all the allegations levelled against them are vague and omnibus in nature. According to them, allegations levelled against them nowhere indicates any date, time and manner in which the harassment was caused to the Respondent No.2 and also such harassment, even if deemed to be correct, does not attract ingredients of Section 498-A of Indian Penal Code.

6. In this regard, it will be appropriate to refer the observations made by the Hon'ble Supreme Court of India in the catena of Judgments 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 Applicant 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 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 in such cases Court should look into the matter very carefully and verify whether in such circumstances it will be justified to continue criminal proceeding or a fit case to invoke powers to avoid the abuse of process of law at the instance of wife.

9. After perusal of the record of the present matter, it is clear that allegations made against the Applicants are vague and omnibus in nature. It is alleged that she was disrespected by the Applicants and treated as domestic servant, however, no specific date, time, nature of harassment of serious allegation is described. Considering the nature of allegations do not satisfy the ingredients of Section 498-A of IPC against the Applicant/husband in the matter.

10. It is seen that the relatives of the Applicant/husband are deliberately implicated in the present matter, as only allegation against them is of instigation, that too, without quoting any specific instance, by which, offence can be made out against them.

11. As such, considering the entire record, I am of the considered opinion that on the basis of such vague allegations no offence is made out under Section 498-A of IPC against the Applicants in the matter. Hence, for the aforesaid reasons, it is a fit case of interference of this Court in the present matter. Accordingly, I proceed to pass following order.

ORDER

1. Criminal Application is allowed.

2. The proceeding bearing Regular Criminal Case No. 2/2023 pending on the file of Judicial Magistrate First Class, Babhulgaon, District Yavatmal and Chargesheet No. 140/2022 dated 22/12/2022 arising out of Crime No. 726/2022 registered with Police Station, Babhulgaon, District Yavatmal on 4/11/2022 for the offence punishable under Section 498-A read with Section 34 of Indian Penal Code is hereby quashed and set aside.
3. Rule is made absolute in above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

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