



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

CRIMINAL APPLICATION [APL] NO.1429 OF 2024

1. Shri Sagar s/o Tarachand Chahande
A/a 29 years, Occu. Pvt. Service,
R/o. Khedmakta, Tah. Bramhapuri,
District-Chandrapur (M.S.)
2. Shri Tarachand s/o Kashiram Chahande
A/a 65 years, Occu. N.A.
R/o. Khedmakta, Tah. Bramhapuri,
District-Chandrapur (M.S.)
3. Shri Ashutosh s/o Tarachand Chahande
A/a 20 years, Occu. Education,
R/o. Khedmakta, Tah. Bramhapuri,
District-Chandrapur (M.S.)
4. Smt. Manda w/o Chandrabhan Khobragade
A/a 50 years, Occu. Housewife,
R/o. Vitthalgaon Potgaon, Tah. Wadsa,
District-Gadchiroli. .. Applicants

..Versus..

1. State of Maharashtra, through
Police Station Officer, Bramhapuri
Police Station, Tah. Bramhapuri,
District-Chandrapur.
2. Smt. Sonali w/o Sagar Chahande
A/a 32 years, Occu. Service,
Currently r/o Ghorad, Post-Amner
Tah. Warud, District-Amravati. .. Non-Applicants

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Shri S.D. Shukla, Advocate for Applicants.
Mrs. Deepa Charlewar, APP for Non-Applicant No.1/State.
Shri Naneshwar P. Chaware, Adv. for Non-Applicant No.2.
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CORAM : PRAVIN S. PATIL, J.
DATED : 14.01.2026.

JUDGMENT

1. The applicants herein are the husband, father-in-law, brother-in-law and maternal aunt of non-applicant no.2.
2. The non-applicant no.2 on 25.5.2024 lodged the police complaint against the present applicants alleging thereby she was mentally and physically harassed and accordingly the offence punishable under Section 498-A r/w 34 of the Indian Penal Code is registered against the present applicants.
3. During the pendency of the present application, the investigation is completed and chargesheet is also filed in the matter.
4. The applicants have challenged the proceeding mainly on the ground that in the complaint as well as the investigation which is conducted by the investigation officer, the entire

allegations which are levelled are not specific and even if they are taken of their face value they do not disclose the commission of the offence under Section 498-A of the Indian Penal Code made out in the matter. Hence, according to them, the entire proceeding registered in the matter is liable to be quashed and set aside.

5. In support of their submission, the applicants have taken me through the FIR as well as the statements recorded by the investigating officer.

6. The bare perusal of the statements shows that the vague and omnibus statements were raised against the present applicants. There is no specific date, time and nature of harassment. No precise details are given in the entire complaint. Only allegation which is repeated in the matter is that applicant/husband was in habit of drinking liquor and, therefore, there was matrimonial discord between them and as a result, the present complaint is filed by the non-applicant no.2.

7. After the perusal of the entire record indicates that the non-applicant no.2 has implicated the relatives of the husband without any specific role attributed to them. It is nowhere disclosed as to how they harassed her. It seems that just to engross all the family members in criminal offence, their names have been stated in complaint.

8. In the light of this factual position, the applicants have relied upon the judgment of Hon'ble Supreme Court of India in the case of *Kahkashan Kausar alias Sonam and others .vs. State of Bihar and others*, reported in *2022 6 SCC 599* and *Preeti Gupta and another .vs. State of Jharkhand and another*, reported in *[2010] 7 SCC 667*, wherein Hon'ble Supreme Court has held that now a days it is the tendency of the wife of implicating the relatives of the husband on vague allegations in the complaint. However, in such cases, in absence of specific allegation, the relatives of the husband cannot be implicated in matrimonial dispute.

9. It is pertinent to note that the marriage between the applicant no.1 and non-applicant no.2 was solemnized on

4.2.2023 and complaint was lodged on 25.5.2024. It is further pertinent to note that while lodging the complaint she has specifically stated that she is residing in the house of the applicant/husband. Therefore, it is very surprising how the non-applicant no.2 while residing in the house of the applicants can make this vague and omnibus allegations against the applicants. Therefore, in my opinion, no offence is made out under Section 498-A of the Indian Penal Code in the matter.

10. According to me, the allegations fall short to attract the offence under Section 498-A of the Indian Penal Code and, therefore, continuation of the proceeding against the present applicants will nothing but abuse of process of court and, therefore, to meet the end of justice and to avoid the applicants and his family members to continue the criminal proceeding, the interference of this court is necessary in the matter. Accordingly, in my considered opinion, the applicants have made out a case for interference of this court. Hence, I pass the following order :

O R D E R

(1) The application is allowed.

(2) The proceeding bearing RCC No.256/2025 arising out of FIR No.286/2024 against the present applicants for the offence punishable under Section 498-A r/w 34 of the Indian Penal Code is hereby quashed and set aside.

(3) No order as to costs.

(Pravin S. Patil, J.)