



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (APL) NO. 1463 OF 2024**

1. Harshmeetsingh s/o Manjeetsingh Bhatia
(Husband), Aged about : 35 Years; Occu :
Service;
2. Rupinderkaur w/o Manjeetsingh Bhatia
(Mother-in-law), Aged about : 58 Years;
Occu : Housewife.
3. Manjeetsingh Bhatia (Father-in-law)
Aged about : 61 Years; Occu : Nil;
4. Rashmeetkaur Bhatia (Sister-in-law)
Aged about : 33 Years; Occu : Service;

All Applicants are R/o 111 A/282, Ashok
Nagar, Beside Jai Balaji Medical, Kanpur,
Uttarpradesh.

... APPLICANTS

VERSUS

1. State of Maharashtra
Through Police Station Officer, Ballarshah
Police Station, Chandrapur, Tahsil and
District Chandrapur.
2. Smt. Rupinderkaur w/o Harshmeetsingh
Bhatia, Aged about : 34 Years; Occu :
Working, R/o Plot No. 23, S. No.31/79,
Gaurakshan Ward, Ballarshah, District
Chandrapur-442701.

... NON-APPLICANTS

Mr. A. P. Barahate, Advocate for Applicants.
Mr. G. S. Umale, APP for Non-applicant No.1/State.
Mr. N. S. Khubalkar, Advocate for Non-applicant No.2.

CORAM : PRAVIN S. PATIL, J.

DATE : JANUARY 21, 2026.

ORAL JUDGMENT

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

2. The Applicants are seeking quashment of the First Information Report No. 34/2024 dated 11/1/2024 registered with Police Station, Ballarshah, District Chandrapur for the offence punishable under Section 498-A read with Section 34 of Indian Penal Code.

3. The Applicant No.1 is husband and Applicant Nos.2 to 4 are mother-in-law, father-in-law and sister-in-law of the Non-applicant No.2.

4. The Applicants herein came with a case that proceeding registered against them vide Crime No. 34/2024 for the offence punishable under Section 498-A read with Section 34 of IPC is *prima facie* illegal for the simple and valid reason that the complaint lodged by the Non-applicant No.2 is only out of personal grudge and matrimonial discord. Hence, they seek quashment of the criminal proceeding registered against them.

5. The case of the prosecution in short is that the Complainant on

11/1/2024 lodged police complaint against the present Applicants alleging that her marriage was solemnized with the Applicant No. 1 on 12/12/2022. In the marriage parents of the Applicant/husband have demanded 30 tolas gold, cash of Rs.6,30,000/-, two wheeler, fridge, washing machine etc. It is further stated that immediately after the marriage there was a family function in the house i.e. Lodhi. On that day, Applicant No.1/husband on the count of not fetching the dowry amount, has quarreled with her and confined her in one room and he went to sleep in another room. It is further alleged that when she returned back to Pune for her job, the Applicant/husband also came with her at Pune, at that time, the Applicant/husband asked her to open the joint account and deposit her entire salary in the said account. The Applicant No.1 has denied for doing so. As such, on that count, Applicant No.1 has subjected her to cruelty. It is further alleged that she was treated as a domestic servant in the house and her entire salary used towards household expenditure. As far as relatives of the Applicant/husband is concerned, it is alleged that when they all came at Pune at her house, instigated her husband for demanding dowry from her parents. As such, on these allegations, offence came to be registered against the present Applicants.

6. The learned Counsel for Applicants has stated that since beginning

Non-applicant was not interested to cohabit with the present Applicants. He has pointed out that immediately after the marriage, which was taken place at Kanpur in the month of December-2023, the Applicant/husband who was serving in TATA Consultancy Services at Pune came back to join her job. It is also pointed out that the allegations, which are levelled against the present Applicants, more particularly, against the Applicant Nos.2 to 4, are vague and omnibus in nature. No offence can be made out under Section 498-A of IPC against them on the basis of such allegations, and therefore, seek indulgence of this Court in the matter.

7. In support of submission, Applicants have relied upon the Judgment of the Hon'ble Supreme Court of India in the case of *Dara Lakshmi Narayana & Others V/s State of Telangana & Another, 2025(3) SCC 735*, wherein the Hon'ble Supreme Court in paragraph Nos.16 and 30 has observed as under :

“16. An offence is punishable under Section 498-A IPC when a husband or his relative subjects a woman to cruelty, which may result in imprisonment for a term extending up to three years and a fine. The Explanation under section 498-A IPC defines “cruelty” for the purpose of Section 498-A IPC to mean any of the acts mentioned in clauses (a) or (b). The first limb of clause (a) of the Explanation to Section 498-A IPC, states that “cruelty” means any wilful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause

(a) of the Explanation to Section 498-A 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. Further, clause (b) of the Explanation to Section 498-A IPC states that cruelty would also include harassment of the woman where such harassment is any person related to her to meet such demand.

30. The inclusion of Section 498-A 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 of misuse of provisions like Section 498-A 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 scrutinised, 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 498-A 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 absence of a clear prima facie case against them.”

8. It is also the submission of the present Applicants that the allegations against the Applicant Nos.2 to 4 even if are taken on their face value, Section 498-A of IPC is not made out in the matter. According to him, as per the law laid down by the Hon'ble Supreme Court in the case of **Dara Lakshmi** (*supra*), the allegations falls short, particularly, to the Explanation (a)

and (b) of Section 498-A of IPC. Hence, according to the Applicants, no offence is made out against the Applicant Nos.2 to 4.

9. In the light of submission made by the Applicants in the matter and on perusal of record, it reveals that allegations made against the Applicant Nos.2 to 4 do not provide any specific details nor described any particular instance of harassment. There is no mention of date, time, place or manner in which the harassment was caused to the Non-applicant No.2. Hence, in absence of concrete and precise allegations against the relatives of the Applicant/husband, I am of the opinion that no offence is made out against them, and therefore, indulgence of this Court is necessary in the matter.

10. In respect of Applicant/husband, it is seen that there are specific allegations that immediately after the marriage, due to refusal to fetch the dowry as demanded to her, she was beaten by him and confined her in one separate room and went to sleep in another room. So also there is an allegation that the Applicant/husband has asked to open a joint account and to transfer her monthly payment in the said account. It is also specifically alleged that in the marriage ceremony of sister-in-law at Kanpur in the month of April-2023, the Applicant No.1/husband quarreled with her and also beaten her. As such, prima facie, there are allegations against the Applicant/husband

in the matter. Accordingly, the Applicant No.1 can be prosecuted, but in any case, no offence is made out against the Applicant Nos.2 to 4. Hence, indulgence of this Court is necessary in the matter.

11. On behalf of the Applicant No.1, attempt has been made to point out by placing on record certain documents to show that all the expenditure was used to be done by the husband and time and again he has paid the amount for household expenditure. However, all these documents needs evidence and same cannot be relied upon at threshold. The prosecution in such cases can investigate the matter thoroughly and after investigation if something is found against the present Applicant, then chargesheet can be filed or if nothing is found against the Applicant No.1, the prosecution can also discharge the Applicant No.1 in the matter. Therefore, at this stage, in my opinion, indulgence of this Court is not necessary, particularly, in respect of allegations against the Applicant No.1/husband.

12. For the aforesaid reasons and findings, which I have recorded in the matter, I proceed to pass following order.

ORDER

1. Criminal Application is partly allowed.

2. The First Information Report No. 34/2024 dated 11/1/2024 registered with Police Station, Ballarshah, District Chandrapur for the offence punishable under Section 498-A read with Section 34 of Indian Penal Code is hereby quashed and set aside only against the Applicant Nos.2 to 4.
3. The Applicant No.1/husband shall be prosecuted for the offence punishable under Section 498-A read with Section 34 of IPC.
4. Rule is made absolute in above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

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