



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

CRIMINAL APPLICATION (APL) NO. 1492 OF 2024

APPLICANTS

- :-** 1) Manoj s/o Ananda Ingle,
Aged 31 years, Occu: Private,
R/o K. Lingaraju No. 10 Sai Colony
2nd Cross, Belathur, Kadugodi,
Bangalore-560067
(Accused No.5 Brother-in-law)
- 2) Ananda Rajabhau Ingle, (Father-in-law)
Aged 64 Occu: Agriculturist.
- 3) Shobha w/o Ananda Ingle, (Mother-in-law)
Aged 58, Occu: Housewife.
Sr. Nos. 2 to 3 R/o. Hiwra Budruk, Post-
Nipana, Tah-Khamgaon,
Dist. Buldhana.
- 4) Satish s/o Ananda Ingle (Brother-in-law)
Aged 37, Occu: Rickshaw Driver
Sr. No. 4 R/o Chakan, Pune.
- 5) Lalita w/o Manik Lokhande (Sister-in-law)
Aged 40, Occu: Housewife,
Sr. No. 5 R/o Fattepur, Taluka –Jamner,
District Jalgaon Khandesh.

..VERSUS..

**NON-
APPLICANTS**

- :-** 1) State of Maharashtra,
through P.S.O., Hiwarkhed,
Th. Khamgaon, Dist. Buldhana.
- 2) Sau. Jayshri w/o Dipak Ingle,
Age: 27 years, Occu: Housewife,
R/o, c/o Tejrao Sakharam Wankhede,
Ambetakli, Tah. Khamgaon,
Dist-Buldhana.

Mr. M.V. Rai, counsel for applicants.
Mr. A. M. Ghogare, APP for non-applicant No.1/State.
Ms S.H. Bhatia, counsel (appointed) for non-applicant No.2.

CORAM : PRAVIN S. PATIL, J.

DATE : 23/01/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of learned counsel Mr M.V. Rai, for applicants, Mr A.M. Ghogare, learned APP for non-applicant No.1/State and Ms S.H. Bhatia, learned counsel (appointed) for non-applicant No.2, the application is taken for final hearing at the stage of admission.

2. By this applications, the relatives of the husband of non-applicant No.2 i.e. brother-in-law, father-in-law, mother-in-law and sister-in-law of non-applicant No.2 approached before this Court to quashment of the proceedings bearing Regular Criminal Case No. 164 of 2024, pending before the Judicial Magistrate First Class, Khamgaon, District Buldhana for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, 1860.

3. It is the submission of present applicants that allegations which are levelled by the non-applicant No.2 against them, are only with an intention to implicate all the family members of the husband in criminal offence and therefore, by considering the fact that present applicants are not at all involved in the alleged offence, this Court, by invoking the powers under Section 482 of the Code of Criminal Procedure, quash and set aside the proceedings.

4. Learned APP and learned counsel for the Non-applicant No.2 has strongly opposed the application.

5. According to them in the complaint, which was alleged on 04/10/2023, she has made the specific allegations that the husband and the present applicants used to give ill-treatment for not satisfying the demand of dowry of Rs. 3,00,000/-. It is also alleged that the husband asked her to work in agricultural field and when, she failed to do the agricultural work, he used to beat her. It is also pointed out that, when she conceive the pregnancy, she was sent to her parents house. However, after giving a birth to female child, the present applicants, particularly husband was not happy with the birth of girl child and again they have made a demand of Rs. 3,00,000/- from the family of the present respondent No.2. Hence, considering these allegations, it is submission of respondent No.1 and 2 that the case is made out under Section 498-A of the IPC against the present applicants also.

6. 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.

7. 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.

8. 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.

9. 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.

10. The applicant, during the course of arguments, pointed out that after registration of offence on 13/01/2024, statement of complainant was recorded on 02/01/2024. The perusal of said statement revealed the fact that only allegation made by her against husband. In respect of present applicants, only allegation was made that they used to instigate her husband against her. As such, prima-facie, no offence is made out under Section 498-A of Indian Penal Code against present applicants.

11. In this regard, it will be relevant the judgment of the Hon'ble

Supreme Court of India in the case of *Dara Lakshmi Narayana & Others ... Versus State Of Telangana & Another Reported In 2024 (12) SCR 559*, wherein the Hon'ble Supreme Court of India has clarified in paragraph No. 28, as to how the Section 498-A is attracted in the matter, which is reproduced as under :-

“28. The inclusion of Section 498A of the 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 to misuse provisions like Section 498A of the IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalized allegations during matrimonial conflicts, if not scrutinized, 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 498A of the 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 the absence of a clear prima facie case against them.”

12. In the light of the facts of the present matter and the law laid down by the Hon'ble Supreme court of India, for attracting the offence under Section 498-A of the IPC, it is necessary for the complainant to give specific details, such as date, time, place and the nature of harassment, which she cause during her cohabitation with the applicants. The specific role should be attributed to the relatives as to how, they have specifically harassed her in the matter. But perusal of the complaint, nowhere such details in the matter.

13. In the light of the judgment of *Dara Lakshmi Narayana &*

Others referred (supra) and the specific observations, which is recorded above, in my opinion, the relatives of the husband cannot be prosecuted and keeping continuing the criminal proceedings against them, would be nothing but abuse of process of law. Hence, in my view, it is a fit case for interference of this Court. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
- b] The proceeding bearing Regular Criminal Case No.164 of 2024 pending before the learned Judicial Magistrate First Class, Khamgaon, District Buldhana, for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, 1860, along with Chargesheet No. 12 of 2024, dated 12/03/2024, is hereby quashed and set aside against the applicants only.
- c] The fees of the appointed counsel be quantified as per Rule.

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

(PRAVIN S. PATIL, J)