



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

CRIMINAL APPLICATION (APL) NO.1522 OF 2024

PETITIONERS

- (Husband) 1. Rajesh Bhaurao Chavan, Aged about 30 years, Occupation – Labour, R/o. Isapur, Tahsil Digras, District Yavatmal.
- (Father in law) 2. Bhaurao Bhagwan Chavan, Aged about 58 years, Occupation – Labour, R/o. Isapur, Tahsil Digras, District Yavatmal.
- (Mother in law) 3. Sau.Shobhabai Bhaurao Chavan, Aged about 56 years, Occupation – Household, R/o. Isapur, Tahsil Digras, District Yavatmal
- (Brother in law) 4. Umesh Bhaurao Chavan, Aged about 40 years, Occupation – Private Job, R/o. C/o. Yogesh Khangar, Mudranagar, Behind Shiv Mandir, Manewada-Besa Road, Nagpur.
- (Sister in law) 5. Sau. Kanchan Umesh Chavan, Aged about 36 years, Occupation – Household, R/o. C/o. Yogesh Khangar, Mudranagar, Behind Shiv Mandir, Manewada-Besa Road, Nagpur.
- (Brother in law) 6. Shailesh Bhaurao Chavan, Aged about 23 years, Occupation – Labour, R/o. Isapur, Tahsil Digras, District Yavatmal.

...VERSUS...

RESPONDENTS

1. State of Maharashtra, Through Police Station Officer Vasantnagar, Pusad, Tah.Pusad, Distt. Yavatmal.

(Wife of Applicant No.1) 2. Sau. Priyanka Rajesh Chavan, Aged about 27 years, Occupation – House-Wife, R/o. Vasantnagar, Galli No.2, Pusad, Tah. Pusad, Distt. Yavatmal.

Mr. M.P. Kariya, Advocate for Applicant.
Mr. A.M. Ghogare, APP for Non-Applicant No.1/State.

CORAM : PRAVIN S. PATIL, J.
DATE : 21/01/2026

ORAL JUDGMENT :

1. Heard. **RULE.** Rule made returnable forthwith. By consent of Mr. M.P. Kariya, learned counsel for the applicants and Mr. A.M. Ghogare, learned APP for the non-applicant No.1/State, the application is taken up for final hearing at the stage of admission.

2. The applicants herein are the husband, father-in-law, mother-in-law, brother-in-law and sister-in-law of the non-applicant No.2. The applicants herein challenged the registration of FIR No.0346/2024 for the offence punishable under Sections 498-A, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “IPC”).

3. The applicants came with a submission that even the allegations which are levelled by the non-applicant No.2 are taken at their face value and accepted in its entirety, do not prima-facie

constitute any offence punishable under Section 498-A of IPC and hence, seeks indulgence of this Court in the matter.

4. The prosecution story in short is that on 10.07.2024 the non-applicant No.2 lodged a complaint at the Police Station, Vasantnagar, Pusad, Dist. Yavatmal, alleging that after her marriage which was solemnized on 16.05.2023, the present applicant No.1-husband and his relatives have begun demanding dowry to start a business of applicant No.1-husband. When non-applicant No.2 refused to satisfy the said demand, she was subjected to physical, mental harassment and ill treatment by the present applicants. It is also alleged that they did not give her respect while she was cohabiting with the family members. The specific allegation is raised against the applicant No.1-husband that he is an alcoholic person and used to beat her regularly. In respect of the applicant Nos.2 to 6, allegations are made to the effect that they used to instigate the applicant No.1-husband to give ill treatment to the present non-applicant No.2. She also alleged that due to mental and physical harassment, she could not conceive. Hence, on this ground the offence is registered under Section 498-A, 506 read with Section 34 of IPC.

5. The applicants came with submission that all allegations made by the non-applicant No.2 about dowry are totally vague and omnibus. There was no reason for them to claim such a dowry from the non-applicant No.2. It is the submission of applicants that the non-applicant's behavior was not proper with them, she was of a quarrelsome nature and always used to quarrel with applicant No.1-husband and his family members. It is pointed out that due to her behavior, on 05.09.2023 the applicant No.1 lodged police complaint against her at Police Station, Digras. It is also pointed out that in the said complaint a specific statement was made that the non-applicant No.2 had threatened the applicant No.1-husband and all the family member to lodge false complaint against them. The Police Station, Digras has recorded the said complaint as a NCR No.0877/2023 dated 05.09.2023. It is also pointed out that the legal notice was issued to the non-applicant No.2 by the present applicants for her misbehavior and requested her not to commit the same thing as alleged in his complaint to Police Station on 05.09.2023.

6. As such, it is the submission of the present applicant, that the allegations made by the applicant in the case is one part of the story, but other part is not before this Court and therefore, these documents

which are placed on record needs due consideration by this Court. The applicant has relied upon the judgment *Dara Lakshmi Narayana and Others Vs. State of Telangana and Another* reported in (2025) 3 SCC 735 wherein, the Hon'ble Supreme Court of India observed in para Nos.16 and 30 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 to misuse 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 the absence of a clear prima facie case against them.”

7. In the light of this legal position, I have perused the contents and the allegations which are levelled by the non-applicant No.2 in her Police Complaint dated 10.07.2024. From perusal of the said complaint, it seems that her main allegation against the applicants was that there was a demand of Rs.2,00,000/- by the applicant No.1-husband and his family members and due to non-satisfaction of the said amount, she was harassed at the instance of applicants. However, it is not specifically alleged that harassment was such a nature that attract cruelty as explained in clause (a) & (b) of Section 498-A of the IPC. It is only alleged that she was not given respect in the family and treated as a domestic servant in the family.

8. The allegation against the relatives of the applicant No.1-husband is only to the extent that they used to instigate applicant No.1-husband against non-applicant No.2, resulting to that she was mentally and physically harassed at the instance of the applicant No.1.

Except this there are no other allegations made in the complaint by the non-applicant No.2.

9. It is well settled position of law that to attract the offence under Section 498A, it is necessary for the complainant to specifically state the details and particularly the incidence of harassment, also need to mention time, date, place or manner in which the alleged harassment occurred. Mere statement that she was harassed on account of unlawful demand or for any property, is not sufficient to attract the provisions for the offence punishable under Section 498A of IPC.

10. It is also time and again laid down by this Court as well as the Hon'ble Supreme Court of India that mere reference to the names of family members in a criminal complaint arising out of the matrimonial dispute, without specific allegations and their active involvement should be nipped in the bud. It is well recognized fact borne out of the judicial experience that there is often tendency to implicate all the members of the husband's family, when domestic dispute arises out of a matrimonial discord. Such general accusations without any support by the concrete evidence or particular allegations cannot be the reason to set in motion the criminal prosecution. The Court must exercise caution in such cases

and owes duty to prevent the misuse of legal provisions and the legal process, so as to avoid unnecessary harassment of innocent family members.

11. It is also noticed that nowadays, when the complainant decides to lodge a police complaint then first thing she ensures that proper allegations are to be levelled in the report. Therefore, in such a case, the Court owes duty to read between the lines, an oblique motive of the applicant and take pragmatic view of the matter.

12. In the present case, after considering the entire documentary evidence as well as documents placed on record, I am of the view that based on the allegations made in complaint, no offence is made out against the applicant Nos.2 to 6 under Section 498A of the IPC. The allegations levelled against them in the complaint falls short to attract the rigor of Section 498A in the matter. Therefore, continuing the criminal proceeding against them would nothing but abuse of process of law and therefore, in my opinion the inference of this Court is necessary in the matter. Hence, I proceed to pass the following order :-

ORDER

- i. The present criminal Application is **allowed**.

- ii. Offence registered vide FIR dated 10.07.2024 bearing FIR No.346/2024 for the offence punishable 498A, 506 read with 34 of Indian Penal Code, 1860, against the applicant, is hereby quashed and set-aside.

13. The application stands **disposed of**. No order as to costs.

(PRAVIN S. PATIL, J.)

Privel