

CRIMINAL APPLICATION [APL] NO.1542 OF 2024

1. Nitin Pralhad Bhatkar (Husband)
Aged about 35 years, Occ : Teacher,
R/o. Apartment Kaulkhed,
New Khetan Nagar, Near Shriram
Vidyalay, Akola, Dist. Akola.
2. Pralhad Narhari Bhatkar (Father-in-Law)
Aged about 70 years,
Occupation-Nil,
R/o. Apartment Kaulkhed, New
Khetan Nagar, Near Shriram Vidyalay,
Akola, Dist. Akola.
3. Dewanand Somaji Bhatkar (Brother-in-Law)
Aged abut 45 years, Occ. Laboure,
R/o. Belkhed, Tq. Telhara, Dist. Akola.
4. Karuna Pralhad Bhatkar (Mother-in-Law)
Aged about 65 years, Occ : Nil,
R/o. Apartment Kaulkhed, New
Khetan Nagar, Near Shriram Vidyalay,
Akola, Dist. Akola.
5. Sau. Nilima Sandip Ingle (Sister-in-Law)
Aged about 45 years, Occ. Nil,
R/o. Pragati Nagar, Near Zambaji Mandir,
Akola, Dist. Akola.

..Versus..

1. The State of Maharashtra, through Police Station Telhara, Tq. Telhar Dist. Akola.

2. Sau. Chaya Nitin Bhatkar,
Aged about 31 years,
Occupation-Nil,
R/o. Sai Nagar, Tq. Telhara,
Distt. Akola. .. Non-Applicants

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Shri Abhijeet P. Deshmukh, Advocate for Applicants.
Shri Ganesh Umale, APP for Non-Applicant No,1/State.
Shri Abhishek Zade, Advocate for Non-Applicant No.2.
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CORAM : PRAVIN S. PATIL, J.
DATED : 06.01.2026.

JUDGMENT

1. The applicants assailed the First Information Report registered against them on the complaint of non-applicant no.2, vide Crime No.272/2024, dated 12.09.2024, under Section 85 of the Bharatiya Nyaya Sanhita, 2023 at Police Station, Telhara, Tahsil-Telhara, District-Akola.
2. In short, the case of prosecution is that the marriage of applicant no.1 was solemnized with non-applicant no.2 in the year 2022. After the marriage, the present applicants used to harass her. The allegations against the applicant nos.2 to 5 are that they used to instigate the husband and due to that instigation, the husband used to harass the present non-

applicant no.2 mentally and physically. Therefore, on the basis of her complaint, the offence is registered against the present applicants.

3. It is well settled position of law in catena of the cases and particularly in the case of *Achin Gupta .vs. State of Haryana and another*, reported in *AIR 2024 SC 2548*, the Hon'ble Supreme Court has observed that where the allegations levelled against the persons do not constitute an offence and further there is no legal evidence to support the same, the persons cannot be made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct. Permitting to continue such proceeding is nothing but abuse of the process of the court. It is further stated that the court owes a duty to a thorough scrutiny to find out, prima facie, whether there is any grain of truth in the allegations or whether they are made only with the sole object of involving certain individuals in a criminal charge, more particularly when a prosecution arises from a matrimonial dispute.

4. It is further seen and observed by this court that tendency of implicating husband and all his immediate relations

is also common and most of these complaints under Section 498-A of the Indian Penal Code are filed in the heat of the moment over trivial issues without proper deliberations. In such scenario, to find out the truth is a herculean task in majority of these complaints. Therefore, courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases.

5. From the record it is clear that the non-applicant no.2 has arrayed all the family members as an accused in her complaint. However, the allegations made in the complaint are vague and omnibus in nature. There are no specific details nor described any particular instance of harassment. There is no mentioned of time, date, place or manner in which the alleged harassment occurred to reach to the conclusion that there was harassment to the complainant in the matter.

6. The learned counsel for the non-applicant no.2 mainly relied upon the fact that after she left the house on 13.7.2023, there was a meeting of elder persons of the family and in the said meeting, the applicants have demanded Rs.25,00,000/-. Therefore, according to him, offence under Section 498-A of the

Indian Penal Code is attracted in the matter. In my opinion, when the non-applicant no.2 herself left the house on 13.7.2023, the demand of dowry on 20.8.2023 is of no relevance in the matter.

7. As such, no case is made out to attract the ingredients of Section 85 of the Bharatiya Nyaya Sanhita, 2023. Hence, I do not find any merit in the complaint of the non-applicant no.2. For the aforesaid reasons, I proceed to pass the following order :

O R D E R

(1) The application is allowed.

(2) Crime No.272/2024, dated 12.09.2024, under Section 85 of the Bharatiya Nyaya Sanhita, 2023 at Police Station, Telhara, Tahsil-Telhara, District-Akola, is hereby quashed and set aside.

(3) No costs.

(Pravin S. Patil, J.)