



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

CRIMINAL APPLICATION (APL) NO. 1643 OF 2024

APPLICANTS

- :-** 1) Ramdas s/o Sovinda Chauhan
(Father-in-law)
Aged about 67 years, Occu: Labour.
- 2) Sau. Fuleshwari w/o Ramdas Chauhan
(Mother-in-law), Aged about 61 years,
Occu: Household.
- 3) Krishna s/o Sovinda Chauhan
(Brother-in-law), aged about 36 years,
Occu: Farmer,
All r/o Dabki, Tah. Deori, District
Gondia.
- 4) Sau. Saraswati w/o Likhanlal Kumbhare
(Sister-in-law), Aged about 45 years,
Occu: Job, R/o Goverdhan Nagar,
Chota Gondia, Tah. & Dist. Gondia.

..VERSUS..

NON-
APPLICANTS

- :-** 1) State of Maharashtra,
through Police Station Palandur, Tah.
Lakhani, District Bhandara.
- 2) Ashwini w/o Kailash Chauhan, R/o
Vrindavan City, Near NCI, Nagpur,
Tahsil and District Nagpur,
Maharashtra,
Mob. No. +91 88560 23485.

Mr V.S. Mishra, counsel with Ms Gauravi Mishra, counsel for applicants.
Ms S.V. Kolhe, APP for non-applicant/State.
Ms Neerja G. Chaubey, counsel (appointed) for non-applicant No.2.

CORAM : PRAVIN S. PATIL, J.
DATE : 18/02/2026

ORAL JUDGMENT :

1. Heard. **Rule.** Rule made returnable forthwith. By consent of Mr. V.S. Mishra, counsel with Ms Gauravi Mishra, counsel for applicants, Ms S.V. Kolhe, learned APP for non-applicant/State and Ms Neerja G. Chaubey, learned counsel (appointed) for non-applicant No.2, the application is taken up for final hearing at the stage of admission.

2. The applicants herein are the father-in-law, mother-in-law, brother-in-law, and sister-in-law of non-applicant No.2. The present applicants have approached before this Court for quashment of proceedings bearing Regular Criminal Case No. 306/2024, pending before the Chief Judicial Magistrate, Bhandara, for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, 1860.

3. The submission of the present applicants is that, even if the allegations which are levelled against them in the complaint are taken at their face value and accepted in their entirety, no offence is made out under Section 498-A of Indian Penal Code, 1860. Therefore, they seek indulgence of this Court in the matter.

4. Non-applicant No.2 and learned APP have strongly opposed the present application, stating that there are specific allegations against the present applicants of instigating the husband to demand dowry and of asking him to check her virginity. Hence, on the basis of these allegations, the offence under Section 498-A is clearly made out against the present applicants in the matter.

5. In the light of this submissions advanced by both the parties, I have gone through the prosecution case, which states as under :-

Non-applicant no. 2, who is a Police Constable in Police Department, lodged a complaint on 30/12/2023 stating that after her marriage with accused No.1, Kailash Chauhan, on 28/04/2012, she resided for some time with the applicant's family. According to the complainant, Immediately after the marriage, there was a demand of dowry from the husband. It is alleged that the present applicants repeatedly instigated her husband to demand dowry from her.

6. It is further stated that, in the year 2021, an amount of Rs. 5,00,000/- was demanded for securing the employment of applicant No.5. It is also alleged that applicants instigated the husband to get the divorce from the non-applicant No.2. Hence, on the basis of these allegations of instigation against the present applicants, they are implicated in the offence.

7. 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.

8. 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.

9 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.

10. 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.

11. It would also be relevant to refer the judgment in the case of ***Achin Gupta V/s State of Haryana and Another*** reported in ***AIR 2024 SC 2548***. In the said judgment, the Hon'ble Supreme Court of India has held if the Court is convinced by the fact that involvement by the complainant of close relatives of husband with an oblique motive, then even if the FIR and the chargesheet disclose the commission of a cognizable offence, the Court, with a view to doing the substantial justice, should read in between the lines to ascertain the oblique motive of the complainant and take a pragmatic view of the matter.

12. Furthermore, the Hon'ble Supreme Court of India has observed in a series of cases that, if the wife, on account of matrimonial dispute, decides to harass her husband and his family members, then firstly she may ensure to see proper allegations are levelled in the FIR. At times, the services of professionals are availed for same, and once the complaint is drafted by a legal mind, it would be very difficult thereafter to read out any loopholes or other deficiencies in the same. However, that does not mean that the Court should shut its eyes and raise its hands in helplessness, saying that whether true or false, there are allegations in the FIR and the chargesheet papers, discloses the commission of cognizable offence. Rather it is duty of Court, if the allegations are found to be levelled with an oblique motive, this Court must exercise its inherent powers to quash and set aside the proceedings.

13. In the present case, admittedly, the complainant is working as a Police Department. Therefore, the possibility cannot be ruled out, she is well acquainted as to how detail complaint is required to be lodged so that all the relatives of the husband, should be implicated in the matter. Hence, the view expressed by the Hon'ble Supreme Court of India in the case of *Achin Gupta (supra)* is squarely applicable in the matter.

14. It is further pertinent to note that, even if the allegations which are levelled against the present applicants are taken into consideration, it is clear that there are no specific allegations stating the date, time and nature of allegations nor allegations are so serious of nature to attract, the cruelty as explained in clauses (a) and (b) of Section 498(A) of IPC. Hence, in the light of the allegations mentioned in the complaint, the rigor of Section 498-A of the Indian Penal Code, 1860, is not attracted in the matter.

15. In view of the aforesaid reasons, I am of the considered opinion that continuing of the proceedings against the present applicants

would nothing but an abuse of process of law. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
 - b] The proceedings Regular Criminal Case 306 of 2024 pending before the Chief Judicial Magistrate, Bhandara, arising out of Chargesheet No. 201 of 2024 along with Crime No. 924 of 2023 for the offence punishable under Sections 498A read with Section 34 of the Indian Penal Code, 1860, are hereby quashed and set aside, against the present applicants only.
 - c] The fees of the appointed counsel be quantified as per rule.
 - d] All pending application(s) stand disposed of.
16. Rule is made absolute in the aforesaid terms. No orders as to costs.

(PRAVIN S. PATIL, J)