



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

CRIMINAL APPLICATION (APL) NO. 1755 OF 2024

- APPLICANTS :**
1. Sheikh Shahid Sheikh Chotu,
(Husband) Age - 37 Years, Occup : Pvt. Work,
Currently residing at Moti Nagar,
Yera Gadda, Hyderabad, Telangana
Adhar No. 2828 0238 0527.
 2. Madina Begum Chotu Sheikh,
(Mother-in-law) Age – 66 Years, Occup : Housewife,
R/o Maregaon, Yavatmal,
Adhar No. 9629 5898 9360.
 3. Sheikh Chotu Sheikh Abbas,
(Father-in-law) Age – 62 Years, Occup : Retired,
R/o Maregaon, Yavatmal
Adhar No. 8892 9523 5715.
 4. Abid Chotu Sheikh,
(Brother-in-law) Age – 40 Years, Occup : Pvt. Work,
R/o Gachandur, Chandrapur,
Maharashtra
Adhar No. 9551 2590 7471.
 5. Nargis Abid Sheikh,
(Sister-in-law) Age – 39 Years, Occup : Housewife,
R/o Gadchandur, Chandrapur,
Maharashtra
Adhar No. 6150 2836 2704.
 6. Javed Chotu Sheikh
(Brother-in-law) Currently residing at Moti Nagar,
Yera Gadda, Hyderabad,
Telangana
Adhar No. 6901 0880 9687.
 7. Arshiya Javed Sheikh,
(Sister-in-law) Age – 39 years, Occup : Housewife,
Currently residing at Moti Nagar,
Yera Gadda, Hyderabad,
Telangana
Adhar No. 388042453152.

VERSUS**NON-APPLICANTS :**

1. State of Maharashtra
Through its Police Station Officer,
Police Station : Gadchandur,
District : Chandrapur, Maharashtra.
- (Complainant) 2. Naziya Shahid Sheikh
D/o Sheikh Khwaja Sheikh Shalu
Ward No.4, Near Naresh Talkies,
Gadchandur Taluka-Korpana,
District - Chandrapur
Mob. No. 95451267864.

Shri S. M. Lodha, Advocate for applicants.

Shri A. M. Kadukar, Additional Public Prosecutor for non-applicant No.1.

Shri N. R. Bhishikar, Advocate for non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 08/04/2026.

ORAL JUDGMENT :

1. Heard. **Admit.** Heard finally with the consent of learned counsel appearing for the parties.

2. The present application is preferred by the husband and in-laws and the nearest relatives of the husband of non-applicant No.2 for quashing of the FIR in connection with Crime No.331/2024 registered under Section 498-A of the IPC.

3. A crime is registered on the basis of report lodged by the non-applicant No.2 against the present applicants on an allegation that her marriage was performed with applicant No.1 on 27/12/2019. In the said marriage, her father has given 22 Tolas of gold as a *Stridhan* to her and also gifted a car to her in-laws.

4. It is further alleged that after marriage, she was treated well by her husband for some days. At the relevant time, she was residing along with her husband, her in-laws in Ante-Quarter Award Room. Her husband was serving as a Civil Engineer at Indorama MIHAN and attending the office from Award Room. She insisted her husband to take her to stay at Nagpur but her husband has avoided to take her and told her that she has to stay along with his parents at Award Room. Her in-laws were also restraining her to visit Nagpur along with her husband. In absence of her husband, her mother-in-law was harassing her by asking her to work in the house and also taunting her for various reasons. It is alleged by her that applicant No.1 was also not interested to develop the physical relationship with her and on her enquiry, he was avoiding to give answers. She further alleged that the applicant Nos.2 and 3 her in-laws were instigating her husband and on their instigation, he was physically and mentally torturing her. Thereafter, she left the matrimonial house and stayed along with her parents till 2020. Subsequently, she again joined the company of her husband, they started residing at Hyderabad also, wherein also the applicants started harassing her as she could not conceive. She has specifically narrated the incident of 14/05/2023 on which she was physically assaulted by all the applicants. On the

basis of said report, police have registered a crime against all the applicants. The allegation dated 14/05/2023 is not mentioned in the complaint filed under the Domestic Violence Act.

5. After registration of crime, the Investigating Officer has recorded the relevant statements of the witnesses and after completion of investigation, submitted charge sheet against the present applicants.

6. Heard learned counsel for the applicants, who submitted that as far as the allegations levelled against the applicants are concerned, which are baseless, omnibus and vague in nature, only because some matrimonial dispute arose between the husband and wife. All the family members were implicated due to the said matrimonial dispute. He invited my attention towards the recitals of the FIR and submitted that in view of explanation given under Section 498-A of the IPC, to establish cruelty, wilful conduct which requires to be there which is absent in the present case. He submitted that considering the entire recitals of the FIR, there are no specific instances narrated by the non-applicant No.2 regarding the harassment at the hands of the the present applicants. In view of that, application deserves to be allowed.

7. Per contra, learned APP and learned counsel for the non-applicant No.2 strongly opposed the said contention. Learned APP submitted that the recitals of the FIR specifically state specific instances as far as ill-treatment at the hands of the applicant No.1 is concerned. He submitted that there are allegations against all the applicants and on 14/05/2023, all the applicants have assaulted her, taunted her and driven her out of the house sufficient to attract the offence punishable under Section 498-A of the IPC. In view of that, application deserves to be rejected.

8. Shri Bhishikar, learned counsel for the non-applicant No.2 invited my attention towards the explanation given under Section 498-A of the IPC and submitted that by applying the requirement that wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health, the woman in the present case as there are specific allegations by narrating the specific instances regarding the harassment at the hands of in-laws as well as cousin in-laws. He submitted that the non-applicant No.2 has specifically stated the nature of harassment at the hands of the present applicants also and specific instances also which is sufficient to establish the offence punishable under Section 498-A of the IPC and therefore, application deserves to be rejected. In

support of his contention, he placed reliance in the case of **Muskan Vrs. Ishaan Khan (Sataniya) and others**, reported in **2025 SCC OnLine SC 2355**.

9. After hearing both the sides and on perusal of the entire investigation papers, the non-applicant No.2 has lodged FIR against the present applicants alleging that her marriage was performed with applicant No.1 on 27/12/2019. She has specifically narrated that the dowry was given in the said marriage and some gold ornaments are also given to her by way of *Stridhan*. One car was also gifted on the demand of the present applicants. She further alleged that her husband was serving at Nagpur, at the relevant time and she was insisting him to take her also to stay at Nagpur, but he has avoided to do the same and insisted her to stay along with her parents. In his absence, other applicants were ill-treating her by taunting her and by forcing her to do more work and thus, she was mentally harassed by all other family members. She has specifically stated that due to continuous harassment at the hands of the present applicants, she constrained to leave matrimonial house in the year 2021. Again in 2022, she joined the company of the present applicants and they are staying at Hyderabad, but there was no change in the behaviour and finally on 14/05/2023, she was driven out of the house by the present

applicants which constrained her to live at her parents house.

10. In the light of the abovesaid allegations, the investigation was carried out by the Investigating Agency. Various statements of the witnesses are recorded including the parents of the non-applicant No.2. The statements are stereotype in nature as alleged by the non-applicant No.2.

11. Coming to the requirement to constitute the offence punishable under Section 498-A of the IPC, the explanation given under Section 498-A. For the purpose of Section 498-A of IPC, "cruelty" means-

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her 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.

12. There is no doubt that the object of introducing Chapter XX-A containing Section 498-A of the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498-A of the IPC was added with a view to punish a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry.

13. In any event, to constitute the offence under Section 498-A, the wilful act or conduct ought to be the proximate cause in order to bring home the charge under Section 498-A of IPC.

14. Considering the requirement, if the recitals of the FIR are considered as far as the applicant No.1 husband is concerned, admittedly she has specifically stated regarding the act of applicant No.1 which is sufficient to show that there was wilful conduct on the part of the applicant No.1. As far as other applicants are concerned, it is apparent that they are implicated merely because they are the relatives of the husband of the non-applicant No.2.

15. Learned counsel for the non-applicant No.2 has placed reliance in the case of **Muskan Vrs. Ishaan Khan (cited supra)** wherein this aspect was considered and it is concluded by the Hon'ble Apex Court that the High Court has erred in law by embarking upon an enquiry with regard to credibility or otherwise of the allegations in the complaints and the FIR. Normally, for quashing an FIR, it must be shown that there exists no prime facie case against the accused persons. In the present case, from the conjoint reading of the complaints and the FIR, it can be seen that prime facie allegations of harassment and demand of dowry are made out, despite that the High Court quashed the FIR against the

private respondents primarily on the ground that the earlier two complaints that were filed by the appellant did not mention the specific instances that happened on 22.07.2021 and 27.11.2022.

16. On perusal of the facts of the said cited case, it reveals that specific instances are narrated as far as the ill-treatment by brother-in-law and other family members are concerned and in the light of the same, the said observation is made by the Hon'ble Apex Court.

17. The inclusion of Section 498A of the Indian Penal Code 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 Legislation. However, the Hon'ble Apex Court in the catena of decisions in the case of **Dara Lakshmi Narayana vs. State of Telangana**, reported in **AIR 2025 SSC 173**, wherein by referring the catena of decisions observed that 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 of the Indian Penal Code 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 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 Indian Penal Code 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.

18. It is further observed that we are not, for a moment, stating that any woman who has suffered cruelty in terms of what has been contemplated under Section 498A of the IPC should remain silent and forbear herself from making a complaint or initiating any criminal proceeding. That is not the intention of our aforesaid observations but we should not encourage a case like as in the present one, where as a counterblast to the petition for dissolution of marriage sought by the first appellant-husband of the second respondent herein, a complaint under Section 498A of the IPC is lodged by the latter. In fact, the insertion of the said provision is meant mainly for the protection of a woman who is subjected to cruelty in the matrimonial home primarily due to an unlawful demand for any property or valuable security in the form of dowry. However, sometimes it is misused as in the present case.

19. In the case of G.V. Rao v. L.H.V. Prasad, MANU/SC/3156/2000 wherein the Hon'ble Apex Court observed as follows :-

“There has been an outburst of matrimonial disputes in recent times. Marriage is a sacred ceremony, the main purpose of which is to enable the young couple to settle down in life and live peacefully. But little matrimonial skirmishes suddenly erupt which often assume serious proportions resulting in commission of heinous crimes in which elders of the family are also involved with the result that those who could have counselled and brought about rapprochement are rendered helpless on their being arrayed as Accused in the criminal case. There are many other reasons which need not be mentioned here for not encouraging matrimonial litigation so that the parties may ponder over their defaults and terminate their disputes amicably by mutual agreement instead of fighting it out in a court of law where it takes years and years to conclude and in that process the parties lose their "young" days in chasing their "cases" in different courts.”

20. In the case of Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667, wherein also, it is held that the 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. The allegations of harassment by the husband's close relatives who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection.

21. In view of the above observations, in catena of decisions, if the facts of the present case are taken into

consideration, it reveals that the applicant No.4 – Abid Chotu Sheikh was residing at Chandrapur. Applicant No.5 – Nargis Abid Sheikh is also residing in Chandrapur. The applicant Nos.6 and 7 were residing at Hyderabad. There is no whisper in the recitals of the FIR that at any point of time or wherein they have visited to the matrimonial house of the present applicants to harass her. Only one incident is narrated by the Non-applicant No.2 regarding the harassment at the hands of the applicant Nos.5, 6 and 7 who are residing at Hyderabad by stating a general statement that they also ill-treated her by saying that she is unable to conceive which is general in nature. As far as the applicant Nos.2 and 3 are concerned against whom the general allegations are levelled, it is apparent that their involvement is merely because they are the parents of applicant No.1. Admittedly, applicant No.4 is also residing at Chandrapur and there is no whisper that at what time, or specific instance when he has visited the house of non-applicant No.2 when she was residing along with the applicant Nos.1 to 3 and harassed her. Thus, in view of any specific instances when some of the applicants are residing at different place, it would not be sufficient to attract the offence when the overt or wilful conduct is absent to attract the offence punishable under Section 498-A of the IPC.

22. As far as the applicant No.1 is concerned, there is no dispute that there is specific allegation levelled against him not only about the physical ill-treatment but regarding the mental harassment at his instance. Therefore, application deserves to be allowed partly. Accordingly, I proceed to pass following order :-

ORDER

- i] The application is allowed partly.
- ii] The FIR in connection with Crime No.331/2024 registered under Section 498-A of the IPC and the consequent proceeding arising out of the same bearing RCC No.131/2025 is hereby quashed and set aside to the extent of applicant Nos.2 to 7.
- iii] A prayer of applicant No.1 for quashing of FIR is hereby rejected.

23. The application is disposed of.

[JUDGE]