



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

CRIMINAL APPLICATION (APL) NO. 9 OF 2025

1. Vishal s/o Babarao Anbhore,
Aged 30 years, Occ: Labour,
2. Pramila Babarao Anbhore,
Aged 50 years, Occ: Household,
3. Babarao s/o Bajirao Anbhore,
Aged 55 years, Occ: Teacher,
All R/o. Murtizapur, Akola, District
Akola.

APPLICANTS

Versus

1. State of Maharashtra,
Thr. Police Station Officer, Police
Station Murtizapur, District Akola.
2. Pooja w/o Vishal Anbhore,
Aged 25 years, Occ: Private Job,
R/o. Brahmi Khurd, Taluka
Murtizapur, Dist. Akola.
Presently residing at C/o. Sudhakar
Ingle, Shivaji Nagar Pande Layout,
Taluka Murtizapur, Dist. Akola.

NON-APPLICANTS

Ms. Abhiruchi Patil, Advocate h/f Mr. A.M. Tirukh, Advocate for
the Applicants.

Ms. M.A. Barabde, APP for the Non-applicant No.1/State.

Mr. S.R. Charpe, Advocate for the Non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 08th APRIL, 2026.

ORAL JUDGMENT :-

1. Heard.

2. **ADMIT.** Heard finally by the consent of learned Counsel for the respective parties.

3. The present Application is preferred by the Applicants who are the husband and in-laws of the Non-applicant No.2 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the First Information Report in connection with Crime No.455/2024 registered with Police Station Murtizapur, District Akola for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

4. The crime is registered on the basis of a report lodged by the Non-applicant No.2 on an allegation that her marriage was performed with the Applicant No.1 on 27.12.2021. After marriage she resumed the cohabitation at the

house of the present Applicants but on the next day of marriage her golden ornaments were snatched by the Applicant No.2 and she even not allowing her to have a relationship with her husband. It is further alleged by her that, whenever her husband was out of station her mother-in-law was harassing her for various reasons. She further alleged that, the Applicant No.1 was not maintaining the physical relationship with her and her three months salary was also snatched by the Applicant Nos. 2 and 3 and raised the quarrel with her. She was also assaulted by them. She was asked to obtain the loan on 26.08.2023 and the said loan amount was also snatched by them. On the basis of the said report Police have registered the crime against the present Applicants.

5. After registration of the crime investigation started rotating. During investigation the Investigating Officer has recorded the statements of various witnesses and collected the documents and after completion of the investigation submitted charge-sheet against the present Applicants.

6. Heard learned Counsel for the Applicants, who submitted that, on the basis of general, vague and omnibus

allegations, the Applicants are implicated in the alleged offence. She submitted that, prior to filing of this report, the Applicant No.1 has filed the petition for restitution of conjugal rights and to give a counter blasts to the said proceeding, this false complaint is lodged against the present Applicants. There is no wilful conduct on the part of the present Applicants to attract the offence punishable under Section 498-A of IPC. She submitted that, there is no allegation as to the demand of money, therefore the case is not covered under Explanation (b) of Section 498-A of IPC also. Thus, she submitted that, merely because some dispute arose between the husband and wife, the parents of the husband are also implicated in the alleged offence. In view of that, the Application deserves to be allowed.

7. *Per contra*, learned APP and learned Counsel for the Non-applicant No.2 strongly opposed the said contentions and invited my attention towards the statements which are recorded by the Police Officials of Bharosa Cell, which also states that in what manner she was illtreated. It is submitted that, there was not only a wilful conduct but there was a demand of money, her

salary was also snatched by the Applicant Nos. 2 and 3 and she was also physically assaulted by all the Applicants. In view of that, there is specific instance narrated by the Non-applicant No.2 and thus wilful conduct appearing on the part of the present Applicants. In view of that, the Application deserves to be rejected.

8. After hearing both the sides and on perusal of the entire investigation papers it reveals that, the nature of the allegations levelled against the present Applicants are that they have snatched her golden ornaments after the marriage as well as on various occasions she was physically and mentally tortured by the present Applicants and her salary was also snatched by the present Applicants and she was constrained to obtain the loan and that loan amount was obtained by the present Applicants. She was also abused in a filthy language. She has specifically narrated as far as the role of the present Applicants is concerned.

9. Section 498-A of IPC deals with the husband or relative of husband of a woman subjecting her to cruelty. The

Explanation given under Section 498-A of IPC which states as under:

“Explanation.—For the purpose of this Section, “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.”

10. There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498-A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry. In any event the willful act of conduct ought to be the proximate cause in order to bring home the charge under Section 498-A of IPC.

11. In the light of the above requirement if the allegations levelled against the present Applicants are taken into consideration, the specific instances are narrated as far as the

illtreatment at the hands of the present Applicants are concerned. Thus, the wilful conduct is apparent from the recitals of the FIR. In view of that, *prima facie* case is made out against the present Applicants.

12. The parameters which are laid down by the Hon'ble Apex Court in the case of ***State of Harayana & Ors. Vs. Ch. Bhajan Lal & Ors., 1992 AIR 604***, while considering the Application under Section 482 of Cr.P.C., which reads as under:

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that

there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

13. In view of the above parameters laid down by the Hon’ble Apex Court, *prima facie* case is made out against the present Applicants, and therefore, the Application deserves to be rejected. Accordingly, I proceed to pass the following order.

ORDER

i. Criminal Application is **rejected**.

14. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)