



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

**CRIMINAL APPLICATION (APL) NO. 135 OF 2025**

**APPLICANTS**

- :-** 1) Shri Sachin s/o Wasudeorao Gurwe,  
Aged about 43 years,  
Occu: Private Job.
- 2) Smt. Lilabai w/o Wasudeorao Gurwe,  
Aged about 68 years,  
Occu: Household, Both R/o Zeba Residency, Flat No.1, Anupam Societ, Behind Gurukul Vidya Mandir, Friends Colony, Katol Road, Nagpur.

**..VERSUS..**

**NON-  
APPLICANTS**

- :-** 1) State of Maharashtra,  
through Police Station Officer,  
Khadan Police Station, District Akola.
- 2) Smt. Shital w/o Sachin Gurwe,  
Aged 36 years, Occu: Private Job,  
R/o Kothari Vatika No.1,  
Kamlanagar, Malkapur, Khadan, Akola.

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Mr. C.F. Bhagwani, counsel for applicants.  
Mr. Nikhil Joshi, APP for non-applicant/State  
Mr. P.R. Jalit, counsel for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATE : 02/04/2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Heard finally with the consent of learned counsel for the applicants, and learned APP for non-applicant/State and learned counsel for non-applicant No.2.
3. The present application is preferred for quashing of FIR in connection with Crime No. 532 of 2024 registered with Police Station Khadan, District Akola, for the offence punishable under Section 498(A) read with Section 34 of the Indian Penal Code, 1860, and the consequent proceedings arising out of the same bearing Chargesheet No. 115 of 2025 and Regular Criminal Case No. 594 of 2025.
4. Heard learned counsel for the applicants, who submitted that 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 29/11/2022, and that all marriage expenses were borne by

her parents. After marriage, when she resumed cohabitation, her husband started raising the quarrels with one or the other reasons. She was not allowed to visit her parents house also. She was also not permitted to prepare the food by the applicant No.1, and her entire articles were thrown into the gallery. She was also insisted for giving him a divorce. On the basis of report, police have registered the crime against the present applicants.

5. Learned counsel for the applicants submitted that initially she has filed the application for grant of maintenance, followed by proceedings under the provisions of Domestic Violence Act. Thereafter, when the applicant No.1 filed the petition for dissolution of marriage thereafter this FIR came to be lodged.

It is submitted that only to give a counterblast to the divorce petition filed by the applicant No.1, this FIR came to be lodged with general and omnibus allegations. Thus, he submitted that even considering allegations as it is, no offence is made out against the present applicants. In view of that, the application deserves to be allowed.

6. Per contra, learned APP and learned counsel for the non-applicant No.2 strongly opposed the said contention. It is submitted that the allegations levelled against the present applicant No.1 is that he used to raise the quarrel with non-applicant No.2 and, on the instigation of his mother, he was not allowing her to visit at her parents house. It is further alleged that her all the articles were thrown in the gallery and thereafter, she was insisted to give a divorce. This itself is sufficient to show that she was subjected for the mental cruelty.

7. For the purpose of Section 498-A “cruelty” means any willful 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 or harassment of the woman where such harassment is with you to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is in account of failure by her or any person related to such demand.

8. Thus, they submitted that considering the recitals of the FIR, at this stage, prima-facie case is made out which

shows that there was a willful conduct on the part of the applicant No.1, which caused the mental cruelty to her and therefore, the application deserves to be rejected.

9. On hearing both sides and on perusal of the entire investigation papers, the allegations levelled against the applicant No.1 is specific, that he used to raise the quarrel with her and she was even not allowed to enter into the kitchen, and she was asked to bring the food from outside. This such type of the conduct of the applicant No.1 is sufficient to show that she was subjected for the mental cruelty by the applicant No.1. As far as the applicant No.2 is concerned, admittedly there is general, omnibus and fake allegations only because she is the mother of applicant No.1.

10. Furthermore, there is no doubt that the object of introducing Chapter XXA 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 the husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy unlawful demands of dowry.

11. In any event, the willful act or conduct ought to be the proximate cause in order to bring home the charge under Section 498-A of the Indian Penal Code.

12. In the light of the above said requirements, if the act of applicant No.1 is taken into consideration, admittedly it is sufficient to infer that there was mental cruelty to non-applicant no.2. Therefore, the prima-facie case is made out against the present applicant No.1. Accordingly, I proceed to pass the following order.

### **ORDER**

- a] The criminal Application is partly **allowed**.
- b] The FIR in connection with Crime No. 532 of 2024 registered with Police Station Khadan, District Akola, for the offence punishable under Section 498(A) read with Section 34 of the Indian Penal Code, 1860, and the consequent proceedings arising out of the same bearing charge-sheet No. 115 of 2025 having Regular Criminal Case No. 594 of 2025, is hereby quashed and set aside to the extent of applicant

No.2 (Smt. Lilabai w/o Wasudeorao Gurwe)

c] The prayer of applicant No.1 for quashing of  
FIR is hereby **rejected**.

13. Pending application(s), if any, stands **disposed of**.

(URMILA JOSHI PHALKE, J.)