



Judgment

8 apl307.25

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

CRIMINAL APPLICATION APL NO.307/2025

1. Gaurav s/o Arun Bute,
aged about 31 years, occupation: nil.
2. Arun s/o Ramraoji Bute,
aged about 62 years, occupation: pensioner.
3. Meena w/o Arun Bute,
aged about 58 years, occupation: housewife.
4. Sonali d/o Arun Bute,
aged about 28 years, occupation: student.
Above all r/o Jawahar Nagar Ward
No.15, Rajura tahsil Rajura,
District Chandrapur.
5. Ashok s/o Wasudevrao Mandale,
aged about 60 years, occupation; nil.
6. Dilip s/o Wasudevrao Mandale,
aged about 58 years, occupation: business.
7. Sau.Lalita w/o Dilip Mandale,
aged about 58 years, occupation: housewife.

Applicant No.5,6,7, r/o 200 Darshan
Colony, Sadabhawana Nagar,
Nandanwan, Hanuman Nagar, Nagpur. **Applicants.**

:: VERSUS ::

1. The State of Maharashtra,
through Police Station Officer,
Police Station Chimur,
district Chandrapur.

2. Nalini w/o Gaurav Bute,
age: 27 years, occupation:
r/o Rajiv Gandhi Nagar,
Wadala Paiku Chimur,
district Chandrapur.

..... **Non-applicants.**

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Shri D.U.Thakare, Counsel for Applicants.

Shri M.A.Barabde, APP for the NA No.1/State.

Shri N.V.Fulzele, Counsel for NA No.2.

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CORAM : **URMILA JOSHI-PHALKE, J.**

DATE : **16/02/2026**

ORAL JUDGMENT

1. Heard learned counsel appearing for the respective parties. **Admit.** Heard finally by consent.

2. By this application, applicants are seeking quashing of FIR in connection with Crime No.366/2024 registered for offences under Sections 498-A and 420 read with 34 of the IPC and under Sections 3 and 4 of the Dowry Prohibition Act and consequent proceeding arising out of the same bearing RCC No.198/2025.

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3. The applicants are husband and the nearest relatives of the husband of non-applicant No.2.

4. The crime is registered on the basis of a report lodged by non-applicant No.2 (the complainant) on allegations that her marriage with applicant No.1 was performed in June 2023. After the marriage, she resumed cohabitation at the house of applicants. It is alleged that applicant No.1 was suffering from some ailments and he is unable to have physical relationship with the complainant, but this fact was concealed from her.

It is further alleged that when she disclosed this fact to her mother-in-law and sister-in-law, they have also not paid any heed to the same and told her that she has to take her own action regarding the same.

It is further alleged that she has taken her husband for medical treatment in July 2023, but her husband was not ready to cooperate her.

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It is further alleged that other applicants have also deceived her by not disclosing the same fact to her and they have also ill-treated her for demanding the money i.e. for unlawful demand.

On the basis of the said report, the police have registered the crime against applicants.

5. Learned counsel for applicants invited my attention to recital of the FIR and various statements of witnesses. He submitted that by no stretch of imagination, it can be said that concealing fact that applicant No.1 is impotent, is not sufficient to attract offence under Section 498-A of the IPC.

As far as other applicants are concerned, general, vague, and omnibus allegations are levelled against them. No specific instances are narrated by the complainant and, therefore, no offence is made out against applicants.

In view of that, the application deserves to be allowed.

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6. On hearing both sides and perusing the entire investigation papers, it reveals that major allegations against applicant is that applicant No.1 is impotent and unable to keep physical relationship with the complainant, but this fact was not informed to the complainant or the complainant's parents and, therefore, the offence is made out against applicants.

7. Perusal of the entire investigation papers reveals that as far as applicant No.1 is concerned, there is allegation against him that he has concealed the fact that he is impotent.

8. As far as other applicants are concerned, admittedly, there is no specific allegation that at any point of time they have demanded the amount which is unlawful demand and on that count, they have subjected her for ill-treatment.

Though it is an allegation that she was ill-treated for demanding the amount, no amount is mentioned in the FIR.

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No specific instances are narrated by the complainant as far as applicant Nos.2 to 7 are concerned against whom general, vague, and sweeping allegations are levelled.

9. Sections 3 and 4 of the Dowry Prohibition Act talk about penalty for giving or taking dowry and penalty for demanding dowry.

As far as these allegations are concerned, the same are not substantiated by recital of the FIR.

10. Coming to requirements of Section 498-A of the IPC, if the FIR is taken at its face value as it is, except the allegation against the husband, there is no specific allegation against applicant Nos.2 to 7. Except their names are mentioned, general, vague, and omnibus allegations are levelled against them regarding ill-treatment for trivial reasons.

11. Section 498-A of the IPC is reproduced as under for reference:

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Section 498A. Husband or relative of husband of a woman subjecting her to cruelty. Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purposes of this section, "cruelty means"—

(a) 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 (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.

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12. A careful scrutiny of the chargesheet shows that statements of parents of the complainant show general, vague, and sweeping allegations are levelled against applicant Nos.2 to 7.

13. At this stage, a reference can be made to observations of the Hon'ble Apex Court in the case of **Dara Lakshmi Narayana and ors vs. State of Telangana and anr, reported in 2024 SCC OnLine SC 3682** wherein also it is held an offence is punishable under Section 498A of the IPC when a husband or his relative subjects a woman to cruelty, which may result in imprisonment for a term extending up to three years and a fine. The Explanation under Section 498A of the IPC defines "cruelty" for the purpose of Section 498A of the IPC to mean any of the acts mentioned in clauses (a) or (b). The first limb of clause (a) of the Explanation of Section 498A of the IPC, states that "cruelty" means any willful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation of Section

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498A of the IPC, states that cruelty means any willful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman.

14. In view of the above observations and applying the same to the facts of the present case, the present application deserves to be allowed partly. Accordingly, I proceed to pass following order:

ORDER

(1) The criminal application is **partly allowed**.

(2) FIR in connection with Crime No.366/2024 registered for offences under Sections 498-A and 420 read with 34 of the IPC and under Sections 3 and 4 of the Dowry Prohibition Act and consequent proceeding arising out of the same bearing RCC No.198/2025 are hereby quashed and set aside to the extent of present applicant Nos.2 to 7.

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(3) The criminal application in respect of applicant No.1 is **rejected.**

Application stands **disposed of.**

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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