



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

CRIMINAL APPLICATION (APL) NO. 406 OF 2025

(Atul s/o Rambichar Tiwari & Ors.

Vs.

State of Maharashtra, Thr. Police Station Officer, Police Station,
Hudkeshwar, Tah & Dist. Nagpur & Anr.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. I.S. Charlewar, Advocate for the Applicants.

Mr. A.M. Joshi, APP for the Non-applicant No.1/State.

Mr. T.D. Mandlekar, Advocate for the Non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 16th JANUARY, 2026

1. The present Application is preferred by the Applicants for quashing of the FIR in connection with Crime No.454/2023 registered with Police Station, Hudkeshwar, Nagpur City for the offence punishable under Sections 498-A, 323 read with Section 34 of the Indian Penal Code (for short "IPC") and Sections 3 and 4 of the Dowry Prohibition Act and consequent proceeding arising out of the same bearing R.C.C. No. 3439/2023.

2. The Applicant No.1 is the husband and Applicant Nos. 2 to 7 are the nearest relatives of the husband. 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 01.02.2023. After marriage she resumed cohabitation. She alleged that, after marriage when she resumed cohabitation all the family members of her husband were asking her for the dowry and

they were instigating the Applicant No.1 on the count that she has not brought sufficient dowry. She further alleged that, her husband was ill-treating her physically as well as mentally and was demanding money under the influence of liquor. She further alleged that, as far as the Applicant No.1 is concerned, he has demanded the amount and some amount was already deposited in his account. On the basis of the said report Police have registered the crime against the present Applicants.

3. Heard learned Counsel for the Applicants, who submitted that on the basis of general, vague and omnibus allegations the present Applicants are implicated in the alleged offence. Merely because there is a dispute between the husband and wife all the family members are implicated. He invited my attention towards the FIR as well as the entire charge-sheet and submitted that the entire charge-sheet nowhere reveals that any specific instances are narrated as far as the Applicants are concerned to attract the offence under Section 498-A of IPC, and therefore, the Application deserves to be allowed.

4. *Per contra*, learned APP strongly opposed the said contentions and submitted that there are specific allegations against all the Applicants. He invited my attention towards the statement of the Informant as well as the bank statement and submitted that the bank statement shows that the Applicant No.2/Alok Tiwari has received the amount from the Informant in his account. The said amount is paid to him against the dowry demanded by him. Considering that there was day to day harassment at the hands of the present Applicants, the *prima facie* case is made out against the

present Applicants. In view of that, the Application deserves to be rejected.

5. The learned Counsel for the Non-applicant No.2, endorsed the same contentions and submitted that considering the nature of the dowry which is consistent and which constrained the Non-applicant No.2 to leave the matrimonial house. He submitted that, date wise the instances are narrated by the Non-applicant No.2 which sufficiently attracts the offence under Section 498-A of IPC against the present Applicants, and therefore, the Application deserves to be rejected.

6. On hearing both the sides and on perusal of the investigation papers as far as the Applicant Nos. 1 and 2 are concerned, against whom specific allegations and specific instances are narrated by the Non-applicant No.2. The statements of the witnesses also disclose the ingredients of the offence attracted against the Applicant Nos. 1 and 2. The bank statement also discloses that some amount is received by the Applicant No.2 in his account from the Non-applicant No.2.

7. At this stage, reference can be given to Section 498-A of IPC, which reads as under:

“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 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.

8. In the light of the requirement of Section 498-A of IPC if the allegations are taken into consideration as far as the Applicant Nos. 3 to 7 are concerned, admittedly which are general in nature and no specific instances or the nature of harassment are narrated at their instances. It is apparent that, they are implicated merely because they are the nearest relatives of the Applicant No.1. Thus, considering the nature of the allegations levelled against them, *prima facie* case is not made out against them.

9. The tendency of implicating all the relatives is also commented by the Hon'ble Apex Court in the case of ***Dara Lakshmi Narayana & Ors. Vs. State of Telangana & Ors., MANU/SC/1309/2024***, wherein it is held that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses.

10. In view of the observations of the Hon'ble Apex Court and in the light of that observations the allegations

against the Applicant Nos. 3 to 7 are considered, which are general in nature and in view of the requirement of Section 498-A of IPC, admittedly *prima facie* case is not made out against them, and therefore, the Application deserves to be allowed partly to the extent of Applicant Nos. 3 to 7 are concerned. In view of that, I proceed to pass the following order.

ORDER

- i. The Application is **partly allowed**.
 - ii. The prayer of the Applicant Nos.1 & 2 for quashing of the FIR, is hereby rejected.
 - iii. The prayer of the Applicant No.3/Ashok s/o Rambichar Tiwari, Applicant No.4/Ranjit s/o Shivkumar Tiwari, Applicant No.5/Rambichar s/o Gorakhnath Tiwari, Applicant No.6/Ramawati W/o Rambichar Tiwari and Applicant No.7/Ku. Pooja d/o Ashok Tiwari for quashing of the FIR in connection with Crime No.454/2023 registered with Police Station, Hudkeshwar, Nagpur City for the offence punishable under Sections 498-A, 323 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act and consequent proceeding arising out of the same bearing R.C.C. No. 3439/2023, are hereby quashed and set aside.
11. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)