



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

CRIMINAL APPLICATION (APL) NO. 442 OF 2025

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| 1. | Vijendra Gangaprasad Maske | <u>APPLICANTS</u> |
| | Age About 33 years,
Occupation - Private | |
| 2. | Sumitra Gangaprasad Maske | |
| | Age About 55 years,
Occupation-Household | |
| 3. | Gangaprasad Mahaprasad Maske | |
| | Age About 63 years, Occupation-
Retired | |
| 4. | Sachin Gangaprasad Maske | |
| | Age About 38 years, Occupation-
Private | |
| 5. | Alka Sachin Maske | |
| | Age About 32 years, Occupation-
Household | |
| | All R/o. Near Santoshi Mata
Temple, Dangari Ward, Hinganghat
Wardha | |

// VERSUS //

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| 1. | State of Maharashtra, Through its
Police Station Officer, Police Station
Rajapeth, Amravati. | |
| 2. | Chetna Vijendra Maske, Aged
About 26 years, Occupation:
Housewife,
R/o.Belapura, Near Gawande
Chakki Amravati, Rajapeth,
Amravati City | <u>NON-APPLICANTS</u> |

Mr. S.R. Kadam, Advocate for the applicants.
Mrs. H.N. Prabhu, APP for non-applicant No.1 /State.
Mr. S.S. Katkar, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 11.03.2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.
3. The present application is preferred by the applicants for quashing of the First Information Report in connection with crime No.59/2025 registered with the non-applicant No.1-Police Station Rajapeth District Amravati City under Sections 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and consequent proceeding arising out of the same bearing Regular Criminal Case No.640/2025.
4. The crime is registered on the basis of report lodged by non-applicant No.2 on an allegation that her marriage was performed with applicant No.1- Vijendra Maske on 09.12.2021. After marriage, she resumed the cohabitation but she was not treated well. From the said wedlock, she is having two years daughter. During that period she was ill treated for various

reasons. Her husband is having illicit relations with one lady and on that count, also he was ill treated her. The other applicants who are in-laws also raising quarrel with her and therefore, she constrained to leave the matrimonial house. On the basis of the said report, police have registered the crime against the present applicants.

5. Heard learned counsel for the applicants who submitted that as far as the husband is concerned against whom the baseless allegations are levelled as far as his illicit relations and other applicants are implicated merely because they are the nearest relatives of the husband. No specific instances are narrated as far as their involvement in the ill treatment is concerned. He submitted that except the reference of their names of the applicant Nos.2 to 5 there is no overt act or the wilful conduct attributed to them. In view of that, application deserves to be allowed.

6. Per contra learned APP strongly opposed the said contention and submitted that after marriage non-applicant No.2 was subjected for the ill treatment. She has specifically alleged about the illicit relations of the husband which are sufficient to cause her mental cruelty. As far as the other applicants are

concerned, she has specifically stated that they have also ill treated by demanding the amount and therefore, the application deserves to be rejected.

7. Learned counsel for the non-applicant No.2 submitted that recitals of the FIR sufficiently shows the role of the present applicant Nos.2 to 5 who have instigated and abetted the applicant No.1 to commit the said offence. The specific contention in the FIR sufficiently shows their involvement in the alleged offence and hence the application deserves to be rejected.

8 After hearing both the sides and perusal of the entire investigation papers it reveals that the allegations levelled against the applicant No.1- husband that he is having illicit relations with one lady and name of that lady is also mentioned in the FIR. Thus, as far as the applicant No.1 is concerned, against whom specific allegations are levelled by the non-applicant No.2 which is sufficient to infer that she was subjected for the mental cruelty. Regarding applicant Nos.2 to 5, admittedly except the reference of the names of the applicants there is no overt act or wilful conduct mentioned by the non-applicant No.2 to attract the offence punishable under Section 498-A specially the explanation for the

purpose of Section cruelty means any wilful conduct which is of such a nature as likely to drive a woman to suicide, cause grave injury to her life, limb, or mental/physical health of the women. No wilful conduct is mentioned by the non-applicant No.2 as far as the role of applicant Nos.2 to 5 is concerned. It is alleged that they have also demanded the amount from her but no specific instance regarding date, time or amount which is demanded by the applicant Nos.2 to 5. 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 wilful act or conduct ought to be the proximate cause in order to bring home the charge under Section 498-A of the IPC. Here there is absence of any wilful conduct or any overt act attributed by present applicant Nos.2 to 5. Therefore the application deserves to be allowed partly.

9. Hence, I proceed to pass the following order:-

ORDER

(i) The Criminal Application is allowed partly.

(ii) The First Information Report in connection with crime No.59/2025 registered with the non-applicant No.1 Police Station Rajapeth District Amravati City under Sections 85 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and consequent proceeding arising out of the same bearing Regular Criminal Case No.640/2025 is quashed and set aside to the extent of applicant Nos.2 to 5.

(iii) The prayer of applicant No.1 for quashing of the FIR is hereby rejected.

10. The criminal application stands disposed of in the above said terms.

Pending applications, if any, also stand disposed of.

(URMILA JOSHI PHALKE, J.)

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