



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

CRIMINAL APPLICATION (APL) NO. 464 OF 2025

1. Aniket s/o Umakant Chaudhary,
Age 36 years, Occ: Private,
2. Geeta w/o Umakant Chaudhary,
Age 58 years, Occ: Pensioner,

Both R/o Near Durga Mata Mandir,
Taylor Galli, Chawni, Nagpur,
Dist. Nagpur.

APPLICANTS

Versus

1. State of Maharashtra,
Thr. Police Station Officer,
Police Station, Durgapur,
Dist. Chandrapur.
2. Kalyani Aniket Chaudhary,
Age 26 years, Occ: Private,
R/o. Vinayak Apartment-1, Major
Gate, Tadoba Road Kesarinandan,
Durgapur, Th. Chandrapur,
Dist. Chandrapur.

NON-APPLICANTS

Mr. Aniket Gulani, Advocate h/f Mr. S.S. Meshram, Advocate for
the Applicants.

Mr. N.H. Joshi, APP for the Non-applicant No.1/State.

Mr. A.S. Dhore, Advocate for the Non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 28th JANUARY, 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 under Section 482 of the Code of Criminal Procedure for quashing of the First Information Report in connection with Crime No.1/2024 registered with Police Station Durgapur, District Chandrapur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No.246/2024.

4. The Applicant No.1 is the husband and Applicant No.2 is the mother-in-law of the Non-applicant No.2 approached this Court for quashing of the FIR as 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 12.05.2023. After marriage she resumed the cohabitation at the house of the present Applicants but the Applicant No.1 was addicted to bad habits like consuming liquor and under the influence of liquor he was physically assaulting her, suspecting her character and physically and mentally ill-treating her. 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, on the basis of general, omnibus and vague allegations, the present Applicants are implicated in the alleged offence, as the dispute arose between the husband and wife and no specific instances or overt act is attributed against the present Applicants. There is no wilful conduct to attract the offence punishable under Section 498-A of IPC. He invited my attention towards the entire statements of witnesses and submitted that, in absence of specific instances not narrated by the Non-applicant No.2, 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 contentions and submitted that, as far as the Applicant No.1 is concerned, there is a consistent demand as well as consistent physical as well as mental ill-treatment and the Applicant No.2 was instigating him. Thus, specific instances are narrated by the Non-applicant No.2, and therefore, *prima facie* case is made out against the present Applicants. In view of that, the Application deserves to be rejected.

7. On hearing both the sides and on perusal of the recitals of the FIR as well as investigation papers it reveals that, as far as the Applicant No.1 is concerned there is specific allegation that since marriage the Applicant No.1 was addicted to bad habits and was physically and mentally ill-treated the Non-applicant No.2. Thus, as far as the role of the Applicant No.1 is concerned, which is specifically narrated by the Non-applicant No.2, whereas the Applicant No.2 was implicated merely on the basis of general, omnibus and vague allegation, as she is the mother of the Applicant No.1. Now, it is well settled that, mere reference of the names of the Applicants is not

sufficient to attract the offence punishable under Section 498-A of IPC, there has to be some specific instances with a positive act to be narrated by the Non-applicant No.2. In view of that, the Application deserves to be allowed partly. Accordingly, I proceed to pass the following order.

ORDER

- i. Criminal Application is **partly allowed**.
 - ii. The prayer of Applicant No.1/Aniket s/o Umakant Chaudhary for quashing of the FIR, is hereby rejected.
 - iii. The prayer of Applicant No.2/ Geeta w/o Umakant Chaudhary, for quashing of First Information Report in connection with Crime No. 1/2024 registered with Police Station Durgapur, District Chandrapur for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No.246/2024, are hereby quashed and set aside.
8. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)