



Judgment

22 apl479.25, 500.25, and 504.25

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

**CRIMINAL APPLICATION APL NO.479/2025
WITH
CRIMINAL APPLICATION APL NO.500/2025
WITH
CRIMINAL APPLICATION APL NO.504/2025**

CRIMINAL APPLICATION APL NO.479/2025

1. Ekta w/o Brijesh Pande,
aged about 39 years, occupation – Nil,
r/o 125/A, New Jagruti Colony,
Near Friends Colony, Katol Road,
Nagpur-440013.

2. Nupur w/o Omkar Dube,
aged about 36 years, occupation-
housewife, r/o house No.24,
Adivasi Colony, Katol Road, Nagpur
440013.

3. Somya w/o Akash Pande,
aged about 28 years, occupation – Nil,
r/o plot No.01, 4th Street Kurunaji
Nagar Extension, Nr.Sai Bakery,
Housur 635109 Tamil Nadu. **Applicants.**

:: VERSUS ::

1. The State of Maharashtra,
through Police Station Officer,
Police Station Gittikhadan, Nagpur
(City), District – Nagpur.

2. Sau.Roopam Mayank Tiwari,
aged about 24 years,
occupation: household,
r/o flat No.204, Harshvina
apartment-2, Near D-Mart,
Vitthal Rukhmani Mandiar, Beltarodi
Road, Nagpur-440034. **Non-applicants.**

CRIMINAL APPLICATION APL NO.500/2025

1. Mayank s/o Rakesh Tiwari,
aged about 32 years,
occupation: private service.

2. Sau.Abha w/o Rakesh Tiwari,
aged about 57 years,
occupation: household.

Both r/o plot No.401, Pebbles 7,
Near NIT Garden, Narmmada
Colony, Friends Colony, Nagpur-
440013. **Applicants.**

:: VERSUS ::

1. The State of Maharashtra,
through Police Station Officer,
Police Station Gittikhadan, Nagpur
(City), District – Nagpur.

2. Sau.Roopam Mayank Tiwari,
aged about 24 years,
occupation: household,
r/o flat No.204, Harshvina
apartment-2, Near D-Mart,

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Vitthal Rukhmani Mandiar, Beltarodi
Road, Nagpur-440034. **Non-applicants.**

CRIMINAL APPLICATION APL NO.504/2025

Rakesh Sudarshan Tiwari,
aged about 60 years,
occupation: private service,
r/o plot NO.401, Pebbles 7, Near
NIT Garden, Narmada Colony,
Friends Colony, Nagpur-440013. **Applicants.**

:: VERSUS ::

1. The State of Maharashtra,
through Police Station Officer,
Police Station Gittikhadan, Nagpur
(City), District – Nagpur.

2. Sau.Roopam Mayank Tiwari,
aged about 24 years,
occupation: household,
r/o flat No.204, Harshvina
apartment-2, Near D-Mart,
Vitthal Rukhmani Mandiar, Beltarodi
Road, Nagpur-440034. **Non-applicants.**

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Shri D.V.Mahajan, Counsel for Applicants.
Shri N.B.Jawade, APP for State.
Ms Nazia Pathan, Counsel for NA No.2.

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CORAM : URMILA JOSHI-PHALKE, J.
DATE : 11/02/2026

COMMON JUDGMENT

1. After hearing learned counsel for applicants to some extent and perusing entire investigation papers, when this court shown disinclination to entertain Criminal Application No.504/2025 of father-in-law, considering specific allegation levelled against him, learned counsel for applicants seeks to withdraw the said application.

Criminal Application APL No.504/2025 is **disposed of as withdrawn**.

2. As far as applicant No.1, in Criminal Application APL No.500/2025, who is husband of non-applicant No.2, is concerned, learned counsel for applicants has withdrawn the application and, therefore, Criminal Application APL No.500/20205 is **disposed of as withdrawn** in respect of applicant No.1.

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3. Heard learned counsel for applicants; learned APP for State, and learned counsel for non-applicant No.2. **Admit.** Heard finally by consent.

4. By these Criminal Applications APL Nos.479/2025 and 500/2025, applicants, who are mother-in-law and sister-in-laws, are seeking quashing of FIR in connection with Crime No.906/2024 registered for offence under Sections 74, 85, 115(1), and 352(1) read with 3(5) of the BNS and consequent proceeding arising out of the same bearing RCC No.426/2025.

5. The crime is registered on the basis of a report lodged by non-applicant No.2 on allegations that her marriage was performed with Mayank s/o Rakesh Tiwari on 31.1.2024. After the marriage, she resumed cohabitation at her matrimonial house. She alleged that at the time of the marriage, dowry of Rs.21.00 lacs was fixed, out of that, her father has paid Rs.11.00 lacs cash and given other articles.

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However, after the marriage, when she resumed cohabitation, on the first day of her marriage, her husband has asked her that her father has not paid remaining amount Rs.10.00 lacs fixed as dowry and on that count, he assaulted, abused and, threatened her that he will not cohabit with her.

She further alleged that her father-in-law was also entered into her room and passed colourful remarks on her as well as she was pulled by him towards him.

She further alleged that other applicants instigated her husband as well as her father-in-law and on their instigation, they both have ill-treated her physically as well as mentally.

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

6. Learned counsel for applicants submitted that as far as the mother-in-law and sister-in-laws are concerned, against them sweeping, omnibus, and vague allegations are levelled only because they are family members of her husband. He

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submitted that recital of the FIR nowhere specify any specific instances as far as ill-treatment at their hands is concerned.

He further submitted that merely because the dispute arose between the husband and wife, the FIR came to lodged against applicants. In view of that, applications deserve to be allowed.

7. *Per contra*, learned APP for the State has strongly opposed the said contentions on the ground that considering allegations levelled against the mother-in-law and sister-in-laws, specific instances are narrated by non-applicant No.2 and, therefore, a *prima facie* case is made out against them. There is a specific demand as far as dowry is concerned and for fulfillment of the said demand, non-applicant No.2 was ill-treated by applicants and, therefore, applications deserve to be rejected.

8. Learned counsel for non-applicant No.2 has also endorsed the said contentions and invited my attention

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towards subsequent statement of non-applicant No.2 and submitted that subsequent statements of non-applicant No.2 also discloses the act on the part of the mother-in-law and, therefore, applications deserve to be rejected.

9. On hearing both sides and perusing the entire investigation papers, it reveals that the mother-in-law and sister-in-laws are arrayed as accused on the basis of allegation that after the marriage, they demanded the amount and ill-treated her. They have instigated the husband of non-applicant No.2 and on that instigation, the husband of non-applicant No.2 has subjected her for ill-treatment physically and mentally.

10. Recital of the FIR and various statements of witnesses reveals that, against the mother-in-law and sister-in-laws general and omnibus allegations are levelled.

11. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal

Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A 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 the unlawful demands of dowry. The hyper-technical view would be counterproductive and would act against the interests of women and against the object for which this provision was added. There is every likelihood that no exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XXA of the Indian Penal Code.

12. However, at this stage, whether a *prima facie* case is made out against the mother-in-law and sister-in-laws is to be seen.

13. To attract the offence under Section 498A of the IPC, the said Sections explains, “what cruelty means”.

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Explanation (a) to the said Section states that 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

Explanation (b) to the said Section states that 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.

14. Thus, in any event, the willful act or conduct ought to be proximate in order to bring home the charge under Section 498A of the IPC.

15. This aspect is considered by the Hon'ble Apex Court, especially implication of family members in such types of offence, in the case of **Dara Laxmi Narayana and ors vs. State**

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of Telangana and anr, reported in MANU/SC/1309/2024 wherein the Hon'ble Apex Court has made it clear that, "family members of the husband ought not to be unnecessarily roped into criminal proceeding arising out of the matrimonial discord". The court observed that, "it has become a recurring tendency of implicate every member of the husband family irrespective of their role or actual involvement merely because dispute has arisen these spouses".

It is further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law. It is noted that criminal law is not to be deployed as an instrument of harassment and that judicial scrutiny must be exercised to guard against such misuse.

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16. In the light of the above observations, if facts of the present case and allegations against the mother-in-law and sister-in-laws are seen, admittedly, the same are omnibus, vague, and sweeping allegations without assigning any specific role or specific instances showing that at their instance, applicants have ill-treated non-applicant No.2.

17. In that view of the matter, considering nature of allegations levelled against applicants, Criminal Application APL No.479/2025 deserves to be allowed.

18. Whereas, Criminal Application APL No.500/2025 deserves to be allowed partly.

19. In view of the above, I proceed to pass following order:

ORDER

(1) Criminal Application APL No.479/2025 is **allowed**. FIR in connection with Crime No.906/2024 registered for offence

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under Sections 74, 85, 115(1), and 352(1) read with 3(5) of the BNS and consequent proceeding arising out of the same bearing RCC No.426/2025 are hereby quashed and set aside to the extent of applicants Ekta w/o Brijesh Pande, Nupur w/o Omkar Dube, and Somya w/o Akash Pande.

(2) Criminal Application APL No.500/2025 is **partly allowed**. FIR in connection with Crime No.906/2024 registered for offence under Sections 74, 85, 115(1), and 352(1) read with 3(5) of the BNS and consequent proceeding arising out of the same bearing RCC No.426/2025 are hereby quashed and set aside to the extent of applicant Sau.Abha w/o Rakesh Tiwari.

Applications stand **disposed of**.

(URMILA JOSHI-PHALKE, J.)