



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

CRIMINAL APPLICATION (APL) NO. 494 OF 2025

1. **Shri Divakar Narayanrao Kalbande**
(Father-in-law)

APPLICANTS

Aged about 65 years,
Occupation : Retired

2. **Sau. Savita Divakarrao Kalbande**
(Mother-in-law)

Aged about 57 years,
Occ. Housewife,
Both are R/o Lane No.4, Nawathe
Nagar, Amravati, Tq. and Dist.
Amravati (MH)

3. **Amruta Divakarrao Kalbande**
(Sister-in-law)

Aged about 29 years.
Occ:- Student,
R/o Viman Nagar, Pune Tq. &
Dist. Pune (MH).

4. **Govind Divakarrao Kalbande**
(Husband)

Aged about 33 years,
Occ:- Service,
R/o Lane No.4, Nawathe Nagar,
Amravati, Tq. and Dist. Amravati
(MH)

// V E R S U S //

1. **The State of Maharashtra,**
Through Police Station Officer,
Rajapeth Police Station Rajapeth
Tq. and Dist. Amravati

NON-APPLICANTS

2. **Sau. Suchita Govindrao Kalbande**
(Wife)

Aged about 30 years, Occ.
Household, C/o Ganesh S. Bajad,
Saikrupa Colony, Behind Gajanan

Maharaj Mandir, Sainagar, Amravati
Tq. and Dist. Amravati (MH)

Mr. N.C. Sahu Advocate for the applicants.
Mr. Nikhil Joshi, APP for non-applicant No.1 /State.
Mr. Uttam Chakravarty, Advocate h/f Mr. S.B. Gandhe, Advocate
for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 25.02.2026

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 applicants for quashing of the First Information Report in connection with crime No.67/2024 registered at Police Station Rajapeth Amravati District Amravati for the offences punishable under Sections 498-A and 34 of the Indian Penal Code (for short, 'IPC') and consequent proceedings arising out of the same bearing RCC No.1059/2024.
4. Applicant No.1 is father-in-law, applicant No.2 is mother-in-law, applicant No.3 is sister-in-law and applicant No.4 is

husband of non-applicant No.2. 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.4 on 01.02.2019. After marriage she resumed the co-habitation at the house of present applicants. Her father-in-law is retired police officer. Her husband has demanded amount of Rs.50,000/- from her and the said demand was made by him on various occasion. It is further alleged that her golden ornaments are also obtained by her mother in law. After one year of marriage she started residing with her husband at Mumbai wherein also other applicants were visiting and ill treating her. It is alleged by her that on the instigation of the other applicants the applicant No.4 was physically and mentally harassing her. On the basis of the said report police have registered crime against the present applicants.

5. Heard learned counsel for the applicants who submitted that on the basis of general, omnibus and vague allegations they are implicated in the alleged offence. He submitted that no specific instances are narrated by non-applicant No.2. No specific act is narrated by non-applicant No.2 as far as applicants are concerned. Thus, offence under Section 498-A of

IPC is not made out. Merely because the dispute arose between husband and wife they are implicated in the said FIR on the basis of vague and baseless allegations. In view of that, no prima-facie case is made out against the applicants. Hence FIR and consequent proceedings deserve to be quashed and set aside.

6. Per contra, learned APP and learned counsel for the non-applicant No.2 strongly opposed the said contention and submitted that there is specific allegations against husband and on instigation of other relatives husband was physically as well as mentally torturing her. At this stage, sufficient material is there to constrain them to face the trial. In view of that, application deserves to be rejected.

7. After considering the rival submissions of both the parties and on perusal of the entire investigation papers, it reveals that the marriage between the present applicant No.4 and non-applicant No.2 was performed on 01.02.2019. The applicant No.4 was serving in Indian Navy. As per her allegations her father has incurred the expenses of Rs.20 Lakhs in the said marriage. But being applicant No.4 was greedy. He was demanding money from time to time and on that demand she was physically and mentally

harassed. On perusal of the entire FIR it reveals that as far as applicant Nos 1 to 3 are concerned against whom general allegations are levelled. There is no wilful conduct on their part. But as far as applicant No.4 is concerned, against whom the specific allegations are levelled regarding the demand of amount and physical assault also. Thus, wilful conduct of the applicant No.4 is apparent from the allegations. It is now well settled that while considering the application for quashing of FIR and whether Section 498-A is attracted or not which prescribed the punishment where a women is subjected to cruelty by Husband or his relatives. The offence is punishable with imprisonment for a term which may extend to three years and shall also be liable to fine. The explanation appended to the provision defines cruelty in two parts.— (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 above said requirement if the allegations levelled against the applicant No.4 is concerned, which satisfy that there was a wilful conduct on the part of the applicant No.4. But as far as applicant Nos. 1 to 3 are concerned, they appear to be implicated merely because they are relatives of applicant No.4. No specific instances are narrated. No specific wilful conduct is narrated as far as applicant Nos.1 to 3 are concerned. In view of that 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.67/2024 registered at Police Station Rajapeth Amravati District Amravati for the offences punishable under Sections 498-A and 34 of the Indian Penal Code and consequent proceedings arising out of the same bearing RCC No.1059/2024 is quashed and set aside to the extent of applicant Nos.1 to 3 namely Shri Divakar Narayanrao

Kalbande, Su. Savita Divakarrao Kalbande and Amruta
Divakarrao Kalbande.

(iii) The prayer of applicant No.4 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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