



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

CRIMINAL APPLICATION (APL) NO. 592 OF 2025

1. Nitesh S/o Vasantrya Madikuntawar,
Aged about 34 Yrs., Occ: Savice,
R/o Behind Janta School, Fale layout,
Ward No. 6, Wani, Tah. Wani,
Dist. Yavatmal, Maharashtra.
2. Shashikala W/o Vasantrya
Madikuntawar,
Aged about 52 Yrs., Occ: Housewife,
R/o Behind Janta School, Fale layout,
Ward No. 6, Wani, Tah. Wani,
Dist. Yavatmal, Maharashtra.
3. Vasantrya S/o Nagorao
Madikuntawar,
Aged about 60 Yrs., Occ: Retired,
R/o Behind Janta School, Fale layout,
Ward No. 6, Wani, Tah. Wani,
Dist. Yavatmal, Maharashtra.

APPLICANTS

Versus

1. State of Maharashtra,
Thr. Police Station Officer, Police
Station Ramnagar, Tah. and
Dist. Chandrapur.
2. Chetna W/o Nitesh Madikuntawar,
Aged about 25 Yrs., Occ: Household,
R/o C/o Ashok Balgawar,
Satranjpura, Near Badminton Hall,
Lakadganj, Tah. and Dist. Nagpur,
Maharashtra.

NON-APPLICANTS

Mr. O.R. Deshpande, Advocate for the Applicants.
Mr. K.R. Lule, APP for the Non-applicant No.1/State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 09th MARCH, 2026.

ORAL JUDGMENT :-

1. Heard.
2. **ADMIT.** Heard finally by the consent of learned Counsel for the Applicants and learned APP for the Non-applicant No.1/State.
3. Though the Non-applicant No.2 is served none appears for the Non-applicant No.2.
4. The present Application is preferred by the Applicants who are the husband and in-laws of the Non-applicant No.2 under Section 482 of the Code of Criminal Procedure, for quashing of the First Information Report in connection with Crime No.421/2024 registered with Police Station Lakadganj, District Nagpur for the offence punishable

under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code (for short “IPC”) and consequent proceeding arising out of the same bearing R.C.C. No.3232/2024.

5. 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 22.05.2023. After marriage she resumed the cohabitation at the house of the present Applicants but since her marriage her in-laws were not behaving properly with her and whenever she disclosed the said incident to the Applicant No.1, the Applicant No.1 has physically assaulted her by fist and slaps. Her character was also suspected by the present Applicants, 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.

6. Heard learned Counsel for the Applicants, who submitted that, on the basis of the general, omnibus and sweeping allegations, the present Applicants are implicated in the alleged offence. No specific instances are narrated as far as the illtreatment at the hands of the present Applicants are

concerned, there is no wilful conduct on the part of the present Applicants, and therefore, no offence is made out against the present Applicants. In view of that, the Application deserves to be allowed.

7. *Per contra*, learned APP for the Non-applicant No. 1/State, strongly opposed the said contention on the ground that, considering the specific allegations levelled against the in-laws and as the husband has not paid any attention towards her complaint and on the contrary he has assaulted her by fist and slaps, is sufficient to constitute the offence. In view of that, the Application deserves to be rejected.

8. After hearing both the sides and on perusal of the recitals of the FIR and the entire investigation papers it reveals that, after marriage she has alleged that she was illtreated by all the Applicants who are the in-laws. As far as the illtreatment is concerned, no specific instances are narrated by the Non-applicant No.2 as to the illtreatment at the hands of the in-laws. However, the allegations regarding the Applicant No.1 that he used to abuse her, suspect her character and physically assaulting her, which is specifically narrated by her.

9. 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 willful act or conduct ought to be the proximate cause in order to bring home the charge under Section 498-A of IPC.

10. Section 498-A of IPC deals with the husband or relative of husband of a woman subjecting her to cruelty. The Explanation given under Section 498-A of IPC, which states as under:

“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.”

11. In light of the above provisions and if the facts and circumstances of the present case are taken into consideration, as far as the Applicant Nos. 2 and 3 are concerned, on the basis of general and omnibus allegations they appears to be implicated in the alleged offence. No overt act or willful conduct was narrated by the Non-applicant No.2. Therefore, the offence punishable under Section 498-A of IPC is not made out against the Applicant Nos. 2 and 3. As far as the Applicant No.1 is concerned, against whom the specific allegation regarding physical assault is made by the Non-applicant No.2 and hence his prayer for quashing of the FIR deserves to be rejected. In view of that, the Application deserves to be allowed partly. Accordingly, I proceed to pass the following order.

ORDER

- i. Criminal Application is **allowed partly**.
- ii. The prayer of the Applicant No.1/Nitesh S/o Vasantrao Madikuntawar for quashing of the FIR, is hereby rejected.
- iii. The First Information Report in connection with Crime No. 421/2024 registered with Police Station

Lakadganj, District Nagpur for the offence punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No.3232/2024, are hereby quashed and set aside to the extent of Applicant Nos. 2 and 3.

12. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)

S.D.Bhimte