



Judgment

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

CRIMINAL APPLICATION APL NO.675 OF 2025

1. Sumit s/o Anil Datar, aged 33 years,
occupation service, resident of Room No.
904, Wardhman Palamroi, Kathewadi
Punawade, tahsil Pimpri Chichwad,
district Pune.
2. Smt.Jyoti Anil Datar, aged 56 years,
occupation household, resident of Dattatray
Nagar, Yavatmal, tahsil and district
Yavatmal.
3. Megha Lokesh Bagde, aged 29 years,
occupation service, resident of Dattatray
Nagar, Yavatmal, tahsil and district
Yavatmal.
4. Lokesh s/o Laldas Bagde, aged 37 years,
resident of Dattatray Nagar, Yavatmal,
tahsil and district Yavatmal.
5. Anil Chmpatrao Datar, aged 61
years, occupation retired, resident of
Dattatray Nagar, Yavatmal, tahsil and
district Yavatmal.
6. Priya Shattam Kasalkar, aged 29 years,
occupation service, Pimple
Saudagar, Rastinn P.G.Girls Hostel, Pune. **Applicants.**

:: VERSUS ::

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1. The State of Maharashtra, through Police Station Officer, Police Station, Manora, district Washim.

2. Prachi Sumit Datar, aged 31 years, occupation household, resident of c/o Laxman Manwar, Rahul Park, Somthana, tahsil Manora, district Washim. **Non-applicants.**

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Shri S.S.Deshpande, for Applicants.
Shri A.M.Kadukar, APP for NA No.1/State.
None for NA No.2.

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CORAM : URMILA JOSHI-PHALKE, J.
DATE : 10/03/2026

ORAL JUDGMENT

1. Heard learned counsel appearing for the respective parties. **Admit.** Heard finally by consent.

2. By this application, present applicants are seeking quashing of FIR in connection with Crime No.60/2025 registered with non-applicant No.1 police station for offences under Sections 354-B, 377, and 498-A of the IPC and consequent proceeding arising out of the same bearing RCC

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No.124/2024 pending before learned Joint Civil Judge Junior Division and JMFC, Manora, district Washim.

3. The crime is registered on the basis of a report lodged by non-applicant No.2 (the complainant) on allegations that her marriage with applicant No.1 was performed on 2.5.2022. After the marriage, she resumed cohabitation. However, as per her allegations, she was not treated well by applicants. Her husband was addicted to bad vices and he used to raise quarrels with her.

It is further alleged by her that she was physically and mentally ill-treated by applicants and applicant No.4 has also outraged her modesty on 22.5.2023.

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

4. Learned counsel for applicants submitted that as far as applicant No.4 is concerned, against whom allegation levelled is that, he has outraged modesty of the

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complainant in presence of all family members. The act itself is improbable at the hands of applicant No.4. He submitted that, at the relevant time, mother of the complainant was also present in the house of the complainant. Therefore, he submitted that the allegation itself is baseless and improbable and unacceptable.

He submitted that as far as other applicants are concerned, against whom general, baseless and omnibus allegations are levelled.

No specific instances are narrated as far as ill-treatment at their hands is concerned. Merely because they are relatives of the husband of the complainant, they are implicated in the alleged incident.

In view of that, the application deserves to be allowed.

5. *Per contra*, learned APP for the State has strongly opposed the said contentions and submitted that

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considering serious allegations levelled against applicant No.4 and husband, wherein she has narrated specific instances, a *prima facie* case is made out against present applicants and, therefore, the application deserves to be rejected.

6. On hearing both sides and perusing the entire investigation papers, it reveals that as far as applicant Nos.2; 3; 5 and 6 are concerned, admittedly, general, omnibus and baseless allegations are levelled without attributing any willful conduct or overt act to them.

7. As far as applicant No.1 is concerned, admittedly there is specific allegation against him that he was addicted to bad vices. He also subjected the complainant for unnatural sexual intercourse and physical and mental torture at his hands.

8. As far as applicant No.4 is concerned, the complainant specifically narrated the incident dated

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22.5.2023 on which date applicant No.4 has subjected her for outraging modesty. This fact is further substantiated by mother of the complainant, who was present at relevant time.

9. Thus, there is specific allegations against applicant No.1 and 4 and, therefore, in the light of “cruelty” under Section 498-A of the IPC, willful conduct is there on the part of applicant Nos.1 and 4.

10. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the IPC was to prevent torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punish a husband and his relatives who harasses or tortures wife to coerce her or her relatives to satisfy unlawful demands of dowry. the willful act or conduct ought to be proximate in order to bring home the charge under Section 498A of the IPC.

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11. The said willful conduct is apparent on the part of applicant Nos.1 and 4.

Whereas, against applicant Nos.2; 3; 5 and 6, except reference of their names, no specific instances are narrated.

12. In view of that, the application deserves to be partly allowed. Accordingly, I proceed to pass following order:

ORDER

(1) The criminal application is **partly allowed**.

(2) The criminal application is **allowed** in respect of applicant Nos.2; 3; 5; and 6. FIR in connection with Crime No.60/2025 registered with non-applicant No.1 police station for offences under Sections 354-B, 377, and 498-A of the IPC and consequent proceeding arising out of the same bearing RCC No.124/2024 pending before learned Joint Civil Judge Junior Division and JMFC, Manora, district Washim are hereby quashed and set aside to the extent of

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applicant Nos.2; 3; 5; and 6 (Smt.Jyoti Anil Datar, Megha Lokesh Bagde; Anil Chmpatrao Datar, and Priya Shattam Kasalkar).

(3) The criminal application, in respect of applicant Nos.1 and 4, is hereby **rejected**.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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