



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

CRIMINAL APPLICATION (APL) NO. 776 OF 2025

1. Prashant s/o Shaligram Ingle,
Age 38 years, Occ. Nil,
2. Sau. Saraswati w/o Shaligram Ingle,
Age 68 years, Occ. Retired,
3. Shaligram s/o Bhivsan Ingle,
Age 72 years, Occ. Agriculturist,
Nos. 1 to 3 R/o Ambika Nagar,
Gaurakshan Road, Akola, Tq. Distt.
Akola.
4. Sau. Jaishree Rajendra Shirsat,
Age 46 years, Occ. Household work,
5. Rajendra s/o Pralhadrao Shirsat,
Age 54 years, Occ. Service,
Nos. 4 & 5 R/o Vishwanath Nagar,
Amravati, Tq. Distt. Amravati.
6. Manisha w/o Sandeep Kshirsagar,
Age 35 years, Occ. Household work,
7. Sandeep s/o Shantaram Kshirsagar,
Age 40 years, Occ. Private job,
Nos. 6 & 7 R/o Vaijalpur,
Distt. Panchmahal, Gujarat.

APPLICANTS

Versus

1. State of Maharashtra,
Through P.S.O. P.S., Khadan, Akola.
2. Rupali w/o Prashant Ingle,
Age 31 years, Occ. Household, work,
R/o Near Blind School, Malkapur,
Akola, Tq. Distt. Akola.

NON-APPLICANTS

Mr. Mandar Deshpande, Advocate h/f Mr. H.M. Mohta,
Advocate for the Applicants.
Ms. M.A. Barabde, APP for the Non-applicant No.1/State.
Mr. P.U. Kavishwar, Advocate (Appointed) for the Non-applicant
No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 24th FEBRUARY, 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 who are the husband and in-laws of the
Non-applicant No.2 under Section 528 of the Bharatiya Nagarik
Suraksha Sanhita (BNSS), 2023, for quashing of the First

Information Report in connection with Crime No.905/2024 registered with Police Station Khadan, District Akola for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code (for short “IPC”) and consequent proceeding arising out of the same bearing Charge-sheet No.291/2025.

4. The crime is registered on the basis of a report lodged by the Non-applicant No.2 on an allegation that the Applicant Nos.2 and 3 are her in-laws, Applicant No.4 and 6 are her sister-in-law and Applicant No.5 and 7 are the brother-in-law i.e. the husbands of the Applicant Nos. 4 and 6 respectively. She alleged that her marriage was performed with the Applicant No.1 on 21.11.2024 and after marriage she resumed the cohabitation at the house of the present Applicants but her in-laws started harassing her on various reasons including the domestic reasons. She further alleged that, the Applicant No.1 was addicted to bad voices and Applicant No.6 was residing near her house and she used to visit frequently and was physically and mentally harassing her as well as abusing her. On the instigation of other family members the Applicant No.1 was physically and mentally harassing her, regarding the same she

has initially also filed the report against the present Applicants. 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, the entire recitals of the FIR nowhere shows any wilful conduct on the part of the present Applicants. Merely because the dispute arose between the husband and wife this FIR came to be lodged. Considering the narration and statement, *prima facie* case is not made out and it is not covered under the ambit of Section 498-A of IPC, and therefore, the Application deserves to be allowed. He has also taken me through the entire charge-sheet and submitted that, the entire charge-sheet nowhere discloses any specific instances as to the physical harassment. The dispute is of a wear and tear in nature and which is not sufficient to attract the offence punishable under Section 498-A of IPC.

6. *Per contra*, learned APP for the Non-applicant No. 1/State, strongly opposed the said contention on the ground that, there is specific allegation as far as the Applicant Nos. 1 and 6 are concerned. There are previous complaints also against

the present Applicants. In view of that, the Application deserves to be rejected.

7. The learned Counsel for the Non-applicant No.2, has filed his written submissions on record and also invited my attention towards the various NCR Reports as well as the FIR which are lodged by the Non-applicant No.2 as well as her mother, which shows that especially the Applicant Nos. 1 and 6 had visited the parents house of the Non-applicant No.2 when she was residing there, abused her as well as her mother and threatened them. Thus, he submitted that, these specific instances are sufficient to attract the offence punishable under Section 498-A of IPC against the present Applicants. In view of that, the Application deserves to be rejected.

8. After hearing both the sides and on perusal of the entire investigation papers it reveals that, the Non-applicant No.2 has specifically narrated the role of the Applicant Nos. 1 and 6 as far as the ill-treatment is concerned. She specifically stated that, after marriage when she was residing and cohabiting with the Applicant No.1, for one or the other reason under the influence of liquor he was physically and mentally

harassing her. She was also harassed on the ground that she was not good looking and her sister-in-law was instigating her husband to perform the second marriage.

9. The NCR reports lodged by the Non-applicant No.2 and her mother also shows that, on various occasions the present Applicants especially the Applicant Nos. 1 and 6 visited her parents house and abused her as well as her mother and also threatened them by showing the knife. Thus, the specific instances are narrated as far as the involvement of the Applicant Nos. 1 and 6 are concerned. Against rest of the Applicants, general, omnibus and sweeping allegations are levelled regarding the ill-treatment at their hands.

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. There is no doubt that 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. Admittedly, 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.

12. Here in the present case the previous complaints lodged by the Non-applicant No.2 and her mother, specifically states the nature of harassment which are caused to the Non-applicant No.2 by the Applicant Nos. 1 and 6. Thus, the wilful conduct on their part is apparent at the face of record, and therefore, their prayer for quashing of the FIR deserves to be rejected.

13. As far as the other Applicants are concerned, admittedly, general, omnibus and vague allegations are levelled against them. It is apparent that, they are implicated merely because they are the relatives of the husband of the Non-applicant No.2. Thus, the role attributed to the Applicant Nos. 2 to 5 and 7, which is general and omnibus in nature and no specific instances are narrated. Mere reference of the names are not sufficient to attract the offence against them. 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 First Information Report in connection with Crime No. 905/2024 registered with Police Station Khadan, District Akola for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing Charge-sheet No.291/2025, are hereby quashed and set aside to the extent of Applicant Nos. 2 to 5 and 7.
- iii.** The prayer of the Applicant No.1/Prashant s/o Shaligram Ingle and Applicant No.6/Manisha w/o

Sandeep Kshirsagar for quashing of the FIR, is hereby rejected.

- iv. The fees of the learned Appointed Counsel be quantified as per rules.

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

(URMILA JOSHI PHALKE, J.)

S.D.Bhimte