



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

CRIMINAL APPLICATION (APL) NO. 857 OF 2025

1. **Ashok s/o Ranganath Tryambake**
Aged about 64 years,
Occupation : Retired
R/o. Near Nemad Hall,
Hingana Road, Flat No.A/101,
Amrut Vihar Apartment, Rajendra
Nagar, Tq. and Dist. Nagpur
(Father in law)
2. **Sharda w/o. Ashok Tryambake**
Aged about: 61 years,
Occupation: Retired,
R/o., Near Nemad Hall,
Hingana Road, Flat No.A/101,
Amrut Vihar Apartment,
Rajendra Nagar, Tq. and Dist.
Nagpur
(Mother in law)
3. **Ankita Ashok Tryambake**
Aged about 29 years,
Occ. Software Engineer,
R/o. Near Nemad Hall,
Hingana Road, Flat No.A/101
Amrut Vihar Apartment,
Rajendra Nagar, Tq. and Dist.
Nagpur
(Sister in law)
4. **Sunita Devendra Ghorse,**
Aged about:- 52 years,
Occ. Teacher, R/o. Plot No.24
Vrundavan Colony Katol Road,
Nagpur Tq. & Dist. Nagpur
(Real sister of applicant No.2)

APPLICANTS

// V E R S U S //

1. **State of Maharashtra,**
Through Police Station Officer,

- Police Station Murtinapur,
Tq. Murtijapur Dist. Akola
2. **Renuka w/o Mangesh Tryambake**
Aged about 30 years,
Occ:- Professor, R/o. Amrutwadi,
Near Canara Bank, Tq.
Murtijapur, Dist. Akola

NON-APPLICANTS

Mr. H.V. Dhage, Advocate for the applicants.
Mr. Nikhil Joshi, APP for non-applicant No.1/State.
Mr. D.A. Mohgaonkar, Advocate a/w Mr. C.A. Mohgaonkar, Advocate for non-
applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 13.01.2026

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 the applicants under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short, 'BNS') for quashing of the First Information Report in connection with crime No.552/2024 registered at Police Station Murtijapur District Akola for the offences punishable under Sections 498-A, 504 read with 34 of the Indian Penal Code (for

short, 'IPC') and consequent proceeding arising out of same bearing RCC No.145/2025 pending before the learned Judicial Magistrate First Class, Murtijapur District Akola.

4. The applicants are the in-laws and sister-in-law. The crime is registered on the basis of the report lodged by the informant-non applicant No.2 - Renuka Mangesh Tryambake on an allegation that her marriage was performed with the co-accused Mangesh Tryambake on 08.07.2022. After marriage she resumed the co-habitation and initially she stayed along with present applicants and after eight days, she resumed the co-habitation at Mumbai along with her husband. It is alleged that after the marriage she was ill treated by all the applicants by taunting her for the domestic work. It is further alleged that her golden ornaments are also taken by her in-laws as well as her husband was demanding the amount from her repeatedly and on that count and on instigation of the present applicants, she was physically as well as mentally ill treated. On the basis of the said report, police have registered crime against the present applicants. During investigation, the Investigating Officers has recorded the relevant statements of the witnesses and after completion of the

investigation submitted charge-sheet against the present applicants.

5. Heard learned counsel for the applicants who submitted that after marriage within eight days she resumed the cohabitation along with her husband at Mumbai was serving there. The present applicants were not residing along with them. They were residing at their native place i.e. Nagpur. Applicant No.3 is sister-in-law. She was staying separately. Applicant No.4 is also sister-in-law staying separately at her in laws house. So there was no occasion for them to visit the house of non-applicant No.2 and ill treat her. The general and omnibus allegations are levelled against them only because they are the relatives of the husband. As no specific instances are narrated, no prima-facie case is made out and therefore continuation of proceeding would be an abuse of process of law.

6. Per contra, learned APP strongly opposed for the same and invited my attention towards the recitals of the FIR and relevant statements of the witnesses and submitted that there is specific allegations as far as present applicants are concerned and

therefore, prima-facie case is made out against the applicants and hence, application deserves to be rejected.

7. Learned counsel for the non-applicant No.2 also endorsed the same contentionw and submitted that there was continuous harassment which constrained the non-applicant No.2 to leave the matrimonial house. She was subjected for the ill treatment by the applicants to the extent that she was driven out of the house. In view of that prima-facie case is made out and hence application deserves to be rejected.

8. After hearing both the sides and on perusal of the recitals of the FIR and investigation papers as far as husband is concerned there is specific allegation levelled against him. Admittedly the recitals of the FIR itself shows that after eight days of the marriage the non-applicant No.2 has resumed cohabitation along with her husband, who was settled at Mumbai, whereas, the in-laws were residing at Nagpur. Sister-in-law i.e. applicant No.3 was also residing at Mumbai but she was staying in hostel whereas applicant No.4 who married long back and was residing at her in laws house. There were no specific instances to show that at any

point of time they have stayed in the house of non-applicant No.2 and her husband at Mumbai and subjected non-applicant No.2 to ill treatment. It is apparent that the applicants are implicated in the alleged offence merely because they are the relatives of the husband. It is apparent that there was matrimonial dispute arose between the husband and wife and out of which the same FIR came to be lodged.

9. Section 498A of the Indian Penal Code prescribes punishment where a woman is subjected to cruelty by her husband or his relatives. The offence is punishable with imprisonment for a term which may extend to three years and also provides for fine. The Explanation appended to the provision defines “cruelty” in two parts. Clause (a) refers to 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 her life, limb or health, whether mental or physical. Clause (b) expands the scope of the term to include harassment with a view to coercing the woman or her relatives to meet any unlawful demand for property or valuable security, or on account of failure to meet such demand.

10. In the light of the above said requirements if the allegations are taken into consideration admittedly the requirement is not fulfilled as far as the present applicants are concerned. At this stage a reference can be made to the decision of the Hon'ble Apex Court in the case of *Dara Laxmi Narayana Vs. State of Telangana* reported in *Manu/SC/1309/2024* wherein it is held that Family members of the husband ought not to be unnecessarily roped into criminal proceeding arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement merely because a dispute has arisen between the spouses. It was 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.

11. By applying the law as well as by applying the observations of the Hon'ble Apex Court, it is apparent that the applicants, who are the relatives of the husband of the informant

are implicated on the basis of omnibus, general and vague allegations. Hence, the application deserves to be allowed.

12. In view of that I proceed to pass following the order:-

ORDER

(i) The Criminal Application is allowed.

(ii) The FIR No.552/2024 registered at Police Station Murtijapur District Akola for the offences punishable under Sections 498-A, 504 read with 34 of the Indian Penal Code (for short, 'IPC') and consequent proceeding arising out of same bearing RCC No.145/2025 pending before the learned Judicial Magistrate First Class, Murtijapur District Akola are hereby quashed and set aside to the extent of applicant Nos.1 to 4 i.e. Ashok s/o Ranganath Tryambake, Sharda w/o Ashok Tryambake, Ankita Ashok Tryambake and Sunita Devendra Ghorse.

(URMILA JOSHI PHALKE, J.)