



Judgment

9 apl1046.25

1

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

CRIMINAL APPLICATION APL NO.1046 OF 2025

1. Shri Sujit s/o Yashwant Gawai,
aged 36 years, occupation: service.
2. Yashwant s/o Sadashiv Gawai,
aged about 61 years, occupation: Nil.
3. Smt.Sushila w/o Yashwant Gawai,
aged about 56 years, occupation: Nil.
4. Mangesh s/o Yashwant Gawai,
aged about 34 years, occupation: service.

Nos.1 to 4 all r/o at post Chandmari
Fail, near Sirsat Kirana Stores,
Chandmari, tahsil Khamgaon, district
Buldana – 444 303.

..... **Applicants.**

:: VERSUS ::

1. State of Maharashtra,
through Police Station Officer,
Police Station Khamgaon, tahsil
Khamgaon, district Buldana.
2. Sau.Komal w/o Sujit Gawai,
aged about 28 years, occupation household,
r/o near Bhadbhadi Jin, Lakadganj,
Khamgaon, district Buldana-444 303. **Non-applicants.**

=====

Shri K.P.Sadavarte, Counsel for Applicants.

Shri A.M.Kadukar, APP for the NA No.1/State.

Shri Kamal Anandani, Counsel for NA No.2 (thr.V.C.)

=====

CORAM : **URMILA JOSHI-PHALKE, J.**

DATE : **25/02/2026**

ORAL JUDGMENT

1. Heard learned counsel for the respective parties.

Admit. Heard finally by consent.

2. The present application is preferred by applicants who are husband and relatives of husband of non-applicant No.2 (the complainant) for quashing of FIR in connection with Crime No.82/2023 registered with the non-applicant No.1 police station for offences under Sections 498-A and 504 read with 34 of the IPC and under Sections 3 and 4 of the Dowry Prohibition Act and consequent proceeding arising out of the same bearing chargesheet No.103/2023 and RCC No.220/2022 pending on the file of learned JMFC, Court No.1, Khamgaon, district Buldana.

3

3. It is alleged by the complainant that her marriage was performed with applicant No.1 and other applicants are relatives of the husband. As per her allegations, after the marriage, for five days, she was treated well. Thereafter, all applicants started taunting her that she is from poor family. She is not working properly, but she has tolerated the said things under expectation that one day would be smooth. It is further alleged that whenever she was communicating anybody, her character was suspected and applicants were behaving on the say of one Malubai who was doing black magic. It is further alleged by her that on the say of said Malubai, she was assaulted by applicants on her back and till today, she is taking treatment. It is further alleged by her that she was abused on the ground that child she has conceived is not from applicant No.1 and thereby her character was suspected.

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

4

4. Learned counsel for applicants submitted that on the basis of vague, general, and omnibus allegations, applicants are implicated in the alleged offence.

He invited my attention towards documents and submitted that as soon as she conceived by applicant No.1, she was taken to hospital by applicant No.1 himself.

He also invited my attention towards WhatsApp Chats with brother of the complainant wherein she has shared information as to her pregnancy.

He submitted that merely because the dispute arose between the husband and wife, this FIR came to be lodged.

He submitted that as soon as she conceived, she left the matrimonial house and did not return back.

No specific instances are narrated as far as ill-treatment at the hands of applicants are concerned.

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

5

5. *Per contra*, learned APP for the State has strongly opposed the said contentions and submitted that considering allegations levelled, that the complainant was physically beaten by applicant No.1, there is a *prima facie* case and, therefore, the application deserves to be rejected.

6. Learned counsel for the complainant reiterated the said contentions and invited my attention towards recital of the FIR and submitted that recital of the FIR shows that on the say of neighbour Malubai, applicant No.1 has not permitted her to put curtain on her bedroom also and she was assaulted on her say. Thus, said Malubai was involved in black magic and on her say, she was ill-treated.

Thus, there is a *prima facie* case against applicants and thereby the offence is made out and, therefore, the application deserves to be rejected.

6

7. After hearing both sides and perusing recital of the FIR, it reveals that no specific instances are narrated by the complainant as to taunting or assault are concerned.

8. The allegation, that she was ill-treated, is of wear and tear in nature. It appears that taunting was due to domestic reasons.

9. As far as allegation regarding ill-treatment by assault is concerned, which is baseless as no specific instances are narrated by the complainant.

10. The applicants are also charged for offences under Sections 3 and 4 of the Dowry Prohibition Act.

11. Section 3 of the Dowry Prohibition Act pertains to penalty for giving or taking dowry. It prescribes imprisonment for a term which shall not be less than five years and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more.

7

Section 4 of the Dowry Prohibition Act provides that if any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees.

12. A bare perusal of the FIR and the material placed on record reveals that specific allegation against applicant No.1 is that he has assaulted the complainant on the say of one Malubai, but no specific instances are narrated as far as the said incident is concerned.

13. It is apparent from the recital of the FIR and various statements, which are stereo type in nature, that though the complainant came with a case that there was physical assault on her, her contention is not supported by any other material or any injury certificate. On the contrary, pregnancy report

8

itself is sufficient to show the matrimonial relationship is smooth since her marriage.

14. Thus, considering above facts, a *prima facie* case is made out in favour of present applicants.

15. The Hon'ble Apex Court has consistently taken a view that where matrimonial relationship has come to an end due to some disputes roping of relatives arising out of matrimonial discords, it became recurring tendency and that practice is to be deprecated.

16. Considering the nature of allegations, which are general, omnibus and sweeping in nature, no *prima facie* case is made out against applicants. Accordingly, I proceed to pass following order:

ORDER

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

9

(2) FIR in connection with Crime No.82/2023 registered with the non-applicant No.1 police station for offences under Sections 498-A and 504 read with 34 of the IPC and under Sections 3 and 4 of the Dowry Prohibition Act and consequent proceeding arising out of the same bearing chargesheet No.103/2023 and RCC No.220/2022 pending on the file of learned JMFC, Court No.1, Khamgaon, district Buldana are hereby quashed and set aside to the extent of present applicant Nos.1 to 4 Shri Sujit s/o Yashwant Gawai; Yashwant s/o Sadashiv Gawai; Smt.Sushila w/o Yashwant Gawai; and Mangesh s/o Yashwant Gawai.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)