



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

CRIMINAL APPLICATION (APL) NO. 1149 OF 2025

1. Rambhau S/o Hambarji Patil,
Age 61 Yrs, Occ. Nil,
2. Kiran W/o Rambhau Patil,
Age 55 Yrs., Occ. Household,
3. Sahil S/o Rambhau Patil,
Age 29 Yrs., Occ. Business,
All R/o Yashoda Nagar No.1, Near
Rukhmini Nagar, Amravati,
Dist. Amravati.

APPLICANTS

Versus

1. State of Maharashtra,
Thr. Police Station Officer,
P.S. Khadan, Dist. Akola.
2. Kajal Tejas Patil,
Age 29 Yrs., Occ. Household,
R/o. In front of Gayakwad Kirana
Store, Mahsul Colony, Khadki, Akola,
Dist. Akola.

NON-APPLICANTS

Mr. S.B. Gandhe, Advocate for the Applicant.
Mr. N.B. Jawade, APP for the Non-applicant No.1/State.
Mr. P.U. Kavishwar, Advocate for the Non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 13th JANUARY, 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 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023 for quashing of the First Information Report in connection with Crime No.535/2025 dated 05.07.2025 registered with Police Station Khadan, District Akola for the offence punishable under Sections 115(2), 3(5), 352 and 85 of the Bharatiya Nyaya Sanhita (BNS), 2023 and charge-sheet No.280/2025 and consequent proceeding arising out of the same bearing R.C.C. No.1447/2025.

4. The crime is registered on the basis of a report lodged by the Non-applicant No.2 against the present Applicants on an allegation that her marriage was performed with the son of the Applicant Nos. 1 and 2 namely Tejas Patil on 13.10.2021. After marriage she resumed cohabitation at the house of the present Applicants. After marriage for 6 months she was treated well and thereafter she was subjected for physical as well as

mental harassment at the hands of her husband. The present Applicants who are the in-laws and brother-in-law were instigating her husband and on that count her husband was demanding Rs.6 Lakhs from her and on that count he was physically and mentally harassing her. 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, merely because the dispute arose between the husband and wife the above crime came to be registered against the present Applicants. He invited my attention towards the photographs and submitted that these photographs shows that not only her birthday but various festivals were also celebrated for the happiness of the Non-applicant No.2. From the photographs nowhere it reveals that she was subjected for any type of ill-treatment at the house. Moreover, the allegations levelled against them are general, omnibus and vague in nature. No specific instances are narrated by the Non-applicant No.2 as far as the harassment at the hands of the present Applicants are concerned. He submitted that, considering the nature of the

allegations levelled against the present Applicants, no offence is made out as far as the offence under Section 498-A of IPC (Section 85 of BNS) is concerned. In view of that, the Application deserves to be allowed.

6. *Per contra*, learned APP strongly opposed the said contentions and submitted that various statements of witnesses and statement of Informant/Non-applicant No.2 sufficiently shows the involvement of the present Applicants, and therefore, the Application deserves to be rejected.

7. Learned Counsel for the Non-applicant No.2, has endorsed the same contentions and prays for rejection of the Application.

8. On hearing both the sides and on perusal of the entire FIR and the statements of the witnesses, the Applicant No.1 is the father-in-law, Applicant No.2 is the mother-in-law and Applicant No.3 is the brother-in-law against whom the general allegations are levelled by the Non-applicant No.2. No specific instances or specific allegations are levelled against them but only allegation levelled against them that they used to

instigate her husband, and therefore, her husband was physically and mentally ill-treating her.

9. At this stage, reference can be given to Section 498-A of IPC, which reads as under:

“498A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

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.”

10. In the light of the above requirement if the facts and circumstances of the present case are taken into consideration, except general allegation and nothing incriminating appears from the statements of the witnesses. It is apparent that, being the relatives of the husband they are implicated in the alleged offence.

11. The tendency of implicating all the relatives is also commented by the Hon'ble Apex Court in the case of *Dara Lakshmi Narayana & Ors. Vs. State of Telangana & Ors., MANU/SC/1309/2024*, wherein it is held that family members of the husband ought not to be unnecessarily roped into criminal proceedings 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.

12. In view of the above observations and considering the general and omnibus allegations levelled against the present Applicants, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i. Criminal Application is **allowed**.
- ii. The prayer of Applicant No.1/Rambhau S/o Hambarji Patil, Applicant No.2/Kiran W/o Rambhau Patil and Applicant No.3/Sahil S/o Rambhau Patil for quashing of First Information Report in

connection with Crime No. 535/2025 dated 05.07.2025 registered with Police Station Khadan, District Akola for the offence punishable under Sections 115(2), 3(5), 352 and 85 of the Bharatiya Nyaya Sanhita (BNS), 2023 and charge-sheet No.280/2025 and consequent proceeding arising out of the same bearing R.C.C. No.1447/2025, are hereby quashed and set aside.

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

(URMILA JOSHI PHALKE, J.)

S.D.Bhimte