



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

CRIMINAL APPLICATION (APL) NO. 1275 OF 2025

Akshaj s/o Uday Kalbande and others
Vs.

State of Maharashtra, through Police Station Officer, Hudkeshwar Police
Station, District Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Parth Malviya, Advocate for applicants.
Mr. A. M. Joshi, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/01/2026

1. Present application is preferred by the applicants for quashing of the FIR in connection with Crime No.185/2023 registered with Police Station Hudkeshwar, District Nagpur for the offence punishable under Sections 498-A, 323 read with Section 34 of the Indian Penal Code and under Section 4 of Dowry Prohibition Act and consequent proceeding arising out of the same bearing RCC No. 2765/2023.

2. Heard learned counsel for the applicants, who submitted that applicant No.1 is the husband and rest of the applicant Nos.2 to 4 are the nearest relatives of the husband. The crime is registered against them on the basis of a report lodged by the non-applicant No.2 on an allegation that her marriage

with the applicant No.1 was performed on 25.05.2022. After marriage, she resumed cohabitation. At the time of the settlement of the marriage itself, the applicant No.1 has disclosed to her that she has to incur the expenses by giving gifts to his relatives and on that count, after the marriage, she was subjected for physical as well as the mental harassment. As far as the role of the applicant No.1 is concerned, she has specifically narrated the instances as per the allegations. He submitted that in fact, on the basis of vague, general and omnibus allegations, all the applicants are arraigned as an accused, as there was a dispute arose between husband and wife. He submitted that considering the nature of the allegations, the FIR deserves to be quashed.

3. Per contra, learned APP strongly opposed the said contentions and submitted that as far as the applicant No.1 is concerned, specific instances are narrated by her regarding the demand as well as the physical assault on her. It is substantiated by the photographs which are attached along with the charge sheet. Thus, considering the *prima facie* case, the application deserves to be rejected.

4. Despite the service of notice, none appears for the non-applicant No.2.

5. On hearing both sides and on perusal of the entire investigation papers, it reveals that as far as the applicant Nos.2 to 4 are concerned, it is apparent that they are implicated merely because they are the nearest relatives of the applicant No.1. It is apparent that the entire FIR nowhere reveals any specific role or any specific instance as far as the applicant Nos.2 to 4 are concerned. However, against the applicant No.1, there are specific allegations levelled stating the day, date and time when she was assaulted. Therefore, there is a *prima facie* case, as far as the applicant No.1 is concerned.

6. The implication of the other applicants is only on the basis of omnibus, general and vague allegations. 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.

7. In the light of the allegations levelled against the present applicants, admittedly general and omnibus allegations are levelled against the applicant Nos.2 to 4. No specific instance or any overt act is attributed to them. Thus, there is no wilful conduct.

8. As observed by the Hon'ble Apex Court in the case of **Dara Lakshmi Narayana vs. State of Telangana**, reported in **MANU/SC/1309/2024**, wherein the Apex Court has made it clear that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. It is further 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.

9. In the light of the above observation, the implication of the applicant Nos.2 to 4 appears to be their, as they are the relatives of the husband of the informant. In view of that, the application deserves to be allowed partly. Accordingly, I proceed to pass following order:

ORDER

(i) The application is **allowed partly**.

(ii) The FIR in connection with Crime No.185/2023 registered with Police Station

Hudkeshwar, District Nagpur for the offence punishable under Sections 498-A, 323 read with Section 34 of the Indian Penal Code and under Section 4 of the Dowry Prohibition Act and consequent proceeding arising out of the same bearing RCC No.2765/2023, is hereby quashed and set aside to the extent of the applicant Nos.2 to 4.

(iii) The prayer of the applicant No.1 for quashing of the FIR is hereby rejected.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)