



(1)

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

CRIMINAL APPLICATION (APL) NO.1312 OF 2025

1. Amit s/o Sudhakar Kukade,
Age 31 Years,
Occupation : Private Service,
R/o. 49A, Jaywant Nagar,
Omkar Nagar Road,
Near Sahyadri Lawns, Nagpur. [Husband]
2. Sudhakar s/o Sahdeo Kukade,
Age 65 Years,
Occupation : Agril,
R/o. 49A, Jaywant Nagar,
Omkar Nagar Road,
Near Sahyadri Lawns, Nagpur. [Father-in-law]
3. Maya w/o Sudhakar Kukade,
Age 60 Years,
Occupation : Homemaker,
R/o. 49A, Jaywant Nagar,
Omkar Nagar Road,
Near Sahyadri Lawns, Nagpur. [Mother-in-law]
4. Sumit s/o Sudhakar Kukade,
Age 40 Years,
R/o. 49A, Jaywant Nagar,
Omkar Nagar Road,
Near Sahyadri Lawns, Nagpur. [Brother-in-law]
5. Bhagyashri w/o Sumit Kukade,
Age 30 Years, Occupation : Homemaker,
R/o. 49A, Jaywant Nagar,
Omkar Nagar Road,
Near Sahyadri Lawns, Nagpur. [Sister-in-law]
6. Archana w/o Suresh Halmare,
Age 67 Years, Occupation : Household,
R/o. Saibaba Nagar, Kharbi,
Nagpur. [Cousin mother-in-law]
7. Alka Lanjewar,
Age 55 Years, Occupation : Household,
R/o. Besa, Nagpur [Cousin mother-in-law]

(2)

8. Megha w/o Vasant Tichkule, [Cousin mother-in-law]
Age 33 Years, Occupation : Household,
R/o. Ramnagar, Yavatmal,
District Yavatmal. **APPLICANTS**

// VERSUS //

1. The State of Maharashtra,
Through, Police Station Officer,
Achalpur, Tahsil Achalpur,
District Amravati.
2. Sau. Chetana w/o. Amit Kukade, [Complainant/Informant]
Age 25 years,
Occupation : Household,
R/o. Near Sabu Mart, Mill Colony,
Achalpur, District Amravati.**NON-APPLICANTS**

Mr. V. T. Suryawanshi, Advocate for applicants.

Mr. N. H. Joshi, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.**DATED : 07/04/2026****ORAL JUDGMENT :**

1. Heard.
2. **Admit.**
3. Heard finally with the consent of the learned Counsel
for the applicants and learned APP for the State.
4. Present application is preferred by the applicants for
quashing of the FIR in connection with Crime No.208/2025
registered under Section 85, 351(2), 352 and 3(5) of the
Bharatiya Nyaya Sanhita, 2023 and the consequent proceeding
arising out of the same bearing RCC No.498/2025.

(3)

5. The crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that her marriage was performed with the applicant No.1 on 30.04.2023. After marriage, she resumed the cohabitation at the house of the present applicants. She alleged that her father has incurred the expenses of the said marriage and given the golden ornaments to her as well as other family members in the said marriage. He has also given her other articles which are essential for the domestic life. She contended that after marriage, when she resumed the cohabitation, she was treated well for 15 days and thereafter, ill-treatment was started physically as well as mentally. She alleged that on the day of reception i.e. 01.05.2023 itself, her mother-in-law told her that she will allow her to stay only for six months and thereafter not. She will also not permit her to have a child. It is further alleged by her that for various reasons, she was physically as well as mentally ill-treated her by family member i.e. her sister-in-law and her mother-in-law who were taunting her. Her cousin mother-in-law was also instigating her husband and on their instigation, he was ill-treating her physically as well as mentally. On the basis of the said report police have registered the crime against the present applicants.

6. After registration of the crime, the investigation started rotating. During the investigation, the Investigating

(4)

Officer has recorded the relevant statements of the witnesses and after completion of the investigation, the charge sheet came to be filed against the present applicants.

7. Heard learned counsel for the applicants, who submitted that merely on the basis of general, omnibus and vague allegations, the present applicants are implicated. He submitted that as far as the applicant Nos.5, to 8 are concerned, they are residing separately. They never resided with the present non-applicant No.2. There is no occasion except the attendance of the marriage of the non-applicant No.2, who comes and instigates her husband. They are implicated merely because they are relatives of the husband. It is further submitted by him that initially she approached to Women's Cell wherein no such allegations were levelled against the present applicants. He submitted that various statements are recorded during the investigation, which also not substantiates that any ill-treatment was there at the hands of the present applicants. In view of that, the application deserves to be allowed.

8. Per contra, learned APP strongly opposed the said contention and submitted that considering the specific allegations levelled against all the applicants *prima facie* case is made out and hence, the application deserves to be rejected.

(5)

9. After hearing both sides and on perusal of the entire investigation papers, it reveals that the allegation against the present applicants is that after marriage immediately after 15 days, the non-applicant No.2 was subjected for ill-treatment. Admittedly, there is no allegation regarding any unlawful demand at the hands of the present applicants. The reasons mentioned by her is that her mother-in-law has asked on the day of reception itself that she will not allow to stay in the matrimonial house more than six months and she will also not permit to have a child by her. Even accepting the said allegations, it appears to be improbable and unacceptable, as this fact is not narrated by her when she approached to the Women's Cell. The general allegations are levelled against the applicant Nos.2 to 8. No specific instances are narrated as to the instigation at their hands. It is well settled that mere reference of the names of the relatives of the husband would not be sufficient unless there are specific instances and specific acts attributed to them to attract the offence punishable under Section 498A of IPC. On perusal of the entire recitals of the FIR, except the sweeping allegations, no specific instance is narrated by the non-applicant No.2 and the reason mentioned by her appears to be domestic reasons. Admittedly, such type of the disputes in domestic life are not uncommon in the society. In view of that, no offence is made out against the present applicant Nos.2 to 8. As far as the

(6)

husband is concerned, admittedly, there is an allegation against him that he on the instigation of others used to physically and mentally ill-treat her. The application filed by her to the Women's Cell also discloses the allegation against the applicant No.1 husband. It is apparent that the dispute arose between the husband and wife and out of that dispute, this FIR came to be lodged against the husband. She has specifically narrated about the husband that he has subjected her for physical and mental cruelty. Thus, considering the same, there is a *prima facie* material against the present applicant No.1.

10. Admittedly, to attract the offence punishable under Section 498-A of IPC, the cruelty means in any event the wilful act or conduct ought to be the proximate cause in order to bring home the charge under Section 498A of IPC. The explanation for Section 498A for the purposes of the 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.

(7)

11. In the light of the above requirement, if the allegations levelled against the present applicants are concerned, admittedly, no overt act or wilful conduct is attributed to the present applicant Nos.2 to 8 are concerned. 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 Crime No. 208/2025 registered with Police Station Achalpur, District Amravati for the offence punishable under Sections 85, 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and the consequent proceeding arising out of the same bearing RCC No.498/2025, are quashed and set aside to the extent of the present applicant Nos.2 to 8.
- (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)