



Judgment

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

CRIMINAL APPLICATION APL NO.1390 OF 2025

1. Balasaheb Uttamrao Tayade,
age: 70 years, occupation: Nil.
2. Babybai Balasaheb Tayade,
age: 60 years, occupation: Household.
3. Pooja Balasaheb Tayade,
age: 36 years, occupation: Household.
4. Deepa Balasaheb Tayade,
age: 35 years, occupation: Household.
5. Vatsalabai Uttamrao Tayade,
age: 91 years, occupation- Household,
applicant Nos.1 to 5,
r/o Bhalsi, taluka Bhatkuli,
district Amravati.
6. Sau.Anju Dinesh Khandare,
age: 37 years, occupation- Household,
r/o Chandrapur, taluka Daryapur,
district Amravati.
7. Sau.Jyoti Pramod Chahulkar,
age: 45 years, occupation- Household,
r/o T.T.Nagar, Amravati,
taluka and district Amravati.
8. Prakash Uttamrao Tayade,
age: 54 years, occupation: private service,

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r/o Aasangaon, taluka Shahapur,
district Thane. **Applicants.**

:: VERSUS ::

1. State of Maharashtra,
through Police Station Officer,
P.S.Civil Line, district Akola.

2. Trupti Shakti Tayade,
age: 31 years, occupation: Household,
c/o Mothi Umari, Siddarth
Nagar, Near Rashtriya School,
Civil Lines, Akola. **Non-applicants.**

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Shri S.B.Gandhi, Counsel for Applicants.
Mrs.H.N.Prabhu, APP for NA No.1/State.
Mrs.Anuprita Mishrikotkar, Counsel Appointed for NA No.2.

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CORAM : URMILA JOSHI-PHALKE, J.
DATE : 07/04/2026

ORAL JUDGMENT

1. Heard. **Admit.** Heard finally by consent.
2. By this application, applicants are seeking quashing of
FIR in connection with Crime No.594/2024 registered with
non-applicant No.1 police station for offences under Sections
323, 498-A, 504, and 506 read with 34 of the IPC and
consequent proceeding arising out of the same bearing RCC

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No.468/2025 pending before learned Chief Judicial Magistrate, Akola and chargesheet No.117/2025.

3. The present applicants are in-laws of non-applicant No.2 (the complainant). Applicant No.5 is grandmother-in-law; applicant Nos.6 and 7 are sisters-in-law, and applicant No.8 is uncle-in-law.

4. Learned counsel for applicants submitted that perusal of the entire recital of the FIR shows that the entire allegations are levelled against husband as the complainant has alleged that her marriage was performed with the son of applicant Nos.1 and 2 and they are having one daughter from the said wedlock. She specifically alleged that her husband has treated well for two months and, thereafter, he was addicted to bad vices like drinking liquor and under influence of liquor, he was subjecting her physical as well as mental cruelty. He submitted that considering allegations levelled against present applicants, it is apparent that merely because

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dispute arose between the husband and wife, present applicants are implicated in the alleged offence. No specific instance is narrated by the complainant as far as ill-treatment at the hands of present applicants are concerned. He submitted that mere reference of name is there with general, vague, and omnibus allegations. No willful conduct is on the part of present applicants.

Thus, considering recital of the FIR and other investigation papers, admittedly, no prima facie case is made out against present applicants.

Moreover, present applicant No.5 is old lady of 90 years. She has also not left out by the complainant and she is also implicated in the alleged offence on the basis of false and omnibus allegations.

For all above these grounds, he prayed for quashing of the FIR.

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5. Per contra, learned APP for the State and learned counsel for the complainant have strongly opposed the said contentions and submitted that considering fact that only for two months she was treated well and, thereafter, son of applicant Nos.1 and 2 was addicted to bad vices and subjected her for physical and mental cruelty which resulted into leaving of matrimonial house and, therefore, the present application deserves to be rejected.

6. Section 498-A of the IPC deals with husband or relative of husband of a woman subjecting her to cruelty, which reads as under:

“Section 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.

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Explanation.—For the purposes of this section, "cruelty means"—

(a) any willful 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. There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498A was added with a view to punishing a husband and his relatives who harass or torture the wife to coerce her or her relatives to satisfy the unlawful demands of dowry. The hyper-technical view would

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be counterproductive and would act against the interests of women and against the object for which this provision was added. in any event, the willful act or conduct ought to be proximate in order to bring home the charge under Section 498A of the IPC.

8. In the light of the above requirement, if the facts of the present case are taken into consideration, after the marriage, the complainant resumed cohabitation. She specifically alleged that her husband was addicted to bad vices and he started subjecting her physical and mental cruelty.

9. As far as present applicants are concerned, except reference of their names, there is absolutely no material collected during the investigation. Even, allegations nowhere specify any specific instance showing willful conduct on the part of present applicants.

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10. For the purpose of this Section and to attract the offence under Section 498-A of the IPC, the explanation states regarding what cruelty means.

11. Thus, cruelty means any willful 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.

12. As far as present applicants are concerned, there is absolutely no single whisper that what act present applicants have committed due to which the complainant was constrained to leave the matrimonial house or there was any injury or apprehension of injury or danger to life or limb of health of the complainant.

13. Similarly, there is no allegation against them that they have either demanded any unlawful demand and for fulfillment of the said demand, she was ill-treated to the extent that to meet any unlawful demand or any property she

was harassed to such an extent she was compelled her to leave the matrimonial house.

14. Thus, in absence of ingredients of the offence against present applicants, continuation of the proceeding against them would be abuse of process of law.

15. In this view of the matter, the present application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

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

(2) FIR in connection with Crime No.594/2024 registered with non-applicant No.1 police station for offences under Sections 323, 498-A, 504, and 506 read with 34 of the IPC and consequent proceeding arising out of the same bearing RCC No.468/2025 pending before learned Chief Judicial

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Magistrate, Akola and chargesheet No.117/2025 are hereby quashed and set aside to the extent of present applicants.

(3) Fees of learned counsel appointed for non-applicant No.2 be quantified and the same be paid to her as per rules.

With this, the application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!