



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL)NO. 1394/2025

1. Ashok s/o. Dharamadas Dongare,
Aged 61 years, Occ – Private,
(Father in Law of non-applicant no. 2)
2. Vanita w/o. Ashok Dongare,
Aged 54 years, Occ – Housewife,
(Mother in Law of non-applicant no. 2)
3. Ankush s/o. Ashok Dongare,
Aged 30 years, Occ – Private,
(Husband of non-applicant no. 2)

All the Applicants are resident
of Sakharitola Village, Tahasil-
Salekasa, District – Gondia - 441902

... APPLICANTS

...VERSUS...

1. The State Of Maharashtra,
Through Police Station Officer,
Police Station Hudkeshwar,
District - Nagpur.
2. Shweta w/o Ankush Dongare,
Aged 29 years, Occ- Private,
R/o. Plot No. 36, Chanakyapuram,
Hudkeshwar,
Tahsil and District – Nagpur

...NON-APPLICANTS

Mr. Aniket N. Rangari, Advocate for applicant
Mr. M. J. Khan, APP for non-applicant/State
Mr. Mahesh Rai, Advocate for non-applicant no. 2

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**

RESERVED ON : 16th DECEMBER, 2025.
PRONOUNCED ON : 14th JANUARY, 2026.

JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

Heard. **Admit.** Heard finally with the consent of the Learned Counsel for the applicants.

2. The applicant has approached this court by filing the present application under section 528 of the Bharatiya Nyaya Sanhita, 2023, invoking the inherent jurisdiction of this court. The applicant by this application seeks to quash and set aside the Regular Criminal Case No. 2439/2025 pending on the files of 8th Judicial Magistrate First Class, Nagpur, J.M.F.C. Corp. Court No. 2 and Charge sheet No. 142/2025 filed in pursuance of the First Information Report No. 0031/2025, dated 14.01.2025 registered with Police Station Hudkeshwar, District-Nagpur for offence under

section 85 read with section 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. In accordance with the First Information Report in question, the applicant Nos. 1, 2, and 3 are the father-in-law, mother-in-law of the non-applicant No. 2 respectively. The marriage between applicant No. 3 and non-applicant No. 2 was solemnized on 25.02.2024 in accordance with the rites and customs prevailing in their community. After the marriage, non-applicant No. 2 began residing at her matrimonial home along with the present applicants.

4. It is alleged that on 11.03.2024, applicant No. 1, i.e., the father-in-law, persistently demanded that an amount of ₹2,00,000/-, which non-applicant No. 2 had received as wedding gifts, be handed over to him for safekeeping. It is further alleged that applicant No. 3, the husband, also insisted that the said amount be deposited with his father. Upon refusal by non-applicant No. 2 to handover the said amount, applicant Nos. 1 and 3 allegedly subjected her to verbal abuse and frequent quarrels.

5. It is further alleged that applicant No. 3, the husband, used to physically assault and abuse non-applicant No. 2 in connection with the said demand for money. Additionally, applicant Nos. 1 and 2 are alleged to have taunted and harassed her on account of dowry. It is further alleged that whenever non-applicant No. 2 enquired as to when she and her husband would shift to their new house, applicant Nos. 1 and 2 would state that the same would be done only if she brought an amount of ₹10,00,000/- from her parental home.

6. It is also further alleged that during this period, the applicant no. 3 (husband) even took her mangalsutra from the cupboard without her consent. IT is also alleged that the applicant No. 3 (husband), used to talk to another lady and upon being questioned, disclosed that he was involved in a love affair with her.

7. Owing to the alleged harassment, non-applicant No. 2 left the matrimonial home and went to reside with her relatives at her parental house. After residing there for two months, when non-applicant No. 2 requested applicant No. 3 to take her back to the

matrimonial home, he allegedly refused to take her back in the presence of her relatives and stated that he did not wish to continue the matrimonial relationship, that he had married merely as a formality, and that the marriage was a mistake. Aggrieved by the aforementioned reasons, the non-applicant No. 2 filed the First Information Report, which is challenged in present application.

8. We have heard Mr. Aniket Narendra Rangari, Learned Counsel for the applicant, as also, Mr. M. J. Khan, Learned Additional Public Prosecutor for the State/Non-applicant No. 1, and, Mr. Mahesh Rai, Learned Counsel for the Non-Applicant No. 2.

9. The Learned Counsel for the applicants opposed the averments made in the First Information Report. He submits that a bare perusal of the chargesheet would show that general, vague allegations are levelled and no specific date and time are mentioned. The allegations are levelled only after the marital relations turned sour.

10. Learned Counsel for applicants vehemently contends that it is

apparent from the facts narrated above and from the charge sheet that the involvement of the applicants is made with an oblique motive. He has placed reliance on *Achin Gupta vs. State of Haryana and Another [2024] 6 S.C.R. 129*, if the parties are involved by the complainant with an oblique motive, then the proceedings deserve to be quashed.

11. The Additional Public Prosecutor vehemently opposed the application. He submits that there is prima facie involvement of the applicants in the commission of the offence. The allegations made in the First Information Report are specific and not vague as contended by the learned counsel for the applicants.

12. He further submits that the investigation has revealed sufficient material against the applicants which establishes their active participation in the alleged offences. The charge sheet contains adequate particulars and evidence to proceed against the applicants.

13. We have carefully considered the submissions advanced by

the Learned Counsel for the applicants, the Learned Additional Public Prosecutor for the State, and the Learned Counsel for the non-applicant No. 2. We have also perused the First Information Report, the charge sheet, and the material placed on record. In view of the facts and material placed on record, a careful perusal of the First Information Report reveals that the allegations against the applicants are vague, general, and omnibus in nature. The First Information Report. does not contain specific dates, times, places, or manner of alleged harassment beyond general statements. Except for one isolated incident allegedly occurring on 11.03.2024, there are no other specific dates or instances mentioned in the entire First Information Report. No details are provided as to what form the alleged mental and physical cruelty took, or what specific acts were committed by which person at what time.

14. As far as applicant No. 1 and applicant No. 2 (father-in-law and mother-in-law) are concerned, there is a complete absence of any specific allegation showing their active and individual involvement in any act of cruelty. The allegation that applicant No. 1 demanded ₹2,00,000/- on 11.03.2024 is a solitary incident, and

thereafter, no specific instance of harassment or cruelty by applicant No. 1 is mentioned. Similarly, as regards applicant No. 2, there is only a general allegation that she taunted and harassed non-applicant No. 2, without any specific particulars as to when, where, and in what manner such taunting and harassment took place. The allegation that applicant Nos. 1 and 2 demanded ₹10,00,000/- from the parental home lacks any specific instances of when, where, and in what circumstances such demand was made. It is a matter of common experience that most of these complaints under Section 85 of the Bharatiya Nyaya Sanhita, 2023 are filed by the informant against all the relatives merely because they are family members. Without narrating any specific instances, it has become a tendency to implicate all the family members in such type of crime.

15. As regards applicant No. 3 (husband), while the First Information Report does mention certain allegations such as physical assault, verbal abuse, taking of mangalsutra, and involvement in a love affair, a close scrutiny of these allegations reveals that they are bereft of specific particulars and lack the necessary details. There is no allegation that any injuries were

caused to non-applicant No. 2 as a result of such assault, nor is there any mention of any medical treatment being sought. Further there is no allegation in the First Information Report that the conduct of applicant No. 3 was of such a nature as to drive non-applicant No. 2 to commit suicide or to cause grave injury or danger to her life, limb or health. Section 85 of the Bharatiya Nyaya Sanhita, 2023 requires that the cruelty should be 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. The mere fact that the marital relationship has turned sour or that the parties are not living together or that one party has expressed unwillingness to continue the relationship does not satisfy the ingredients of the offence under Section 85 of the Bharatiya Nyaya Sanhita, 2023.

16. The Apex Court in *Dara Lakshmi Narayana and Others vs. State of Telangana and Another*, MANU/SC/1309/2024 [decided on 10.12.2024], has made it clear 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. The Court further held that a mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of matrimonial discord. Such generalized and sweeping allegations cannot constitute the basis for criminal prosecution.

17. The Court emphasized that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted have had no substantial connection with the alleged acts of cruelty, allowing the prosecution to proceed would amount to an abuse of the process of law. The Court noted that criminal law is not to be deployed as an instrument of harassment, and that judicial scrutiny must be exercised to guard against such misuse. The Court further observed that a bare perusal of the FIR which

shows that the allegations made are vague and omnibus, and other than claiming harassment, there are no specific details or described particular instances of harassment where the time, date, place, or manner in which the alleged harassment occurred has not been mentioned, cannot be sustained.

18. Further, the chronology of events in the present case is extremely significant and reveals the malafide intention behind lodging the First Information Report. The marriage between applicant No. 3 and non-applicant No. 2 was solemnized on 25.02.2024. The first alleged incident of demand for money is stated to have occurred on 11.03.2024, barely 15 days after the marriage. Thereafter, non-applicant No. 2 left the matrimonial home and went to reside with her relatives at her parental house. The First Information Report was lodged on 14.01.2025, almost after 10 months of leaving the matrimonial home. This prolonged delay in lodging the First Information Report, without any reasonable explanation, casts serious doubt on the veracity of the allegations.

19. Similarly, in *Achin Gupta vs. State of Haryana and Another* [2024] 6 S.C.R. 129, the Hon'ble Supreme Court held that if the parties are involved by the complainant with an oblique motive and where no specific role is attributed to them, then the proceedings deserve to be quashed. In the present case, as discussed above, no specific role has been attributed to applicant Nos. 1 and 2, and their involvement appears to be made with an oblique motive.

20. After considering the entire First Information Report which is on record, the material placed before us, the submissions of the learned counsel for the parties, and the law settled by the Hon'ble Supreme Court in the aforesaid decisions, we are satisfied that the allegations in the FIR are wholly concocted and devoid of any truth. The allegations are vague, general, and omnibus in nature, without any specific particulars as to dates, times, places, or manner of alleged cruelty or harassment. Continuing the prosecution against the Applicant would, therefore, be an abuse of process of law and the situation would squarely fall within the various parameters laid down by the Hon'ble Supreme Court in the case of **State of Haryana and others Vs. Ch. Bhajan Lal** and others, reported in 1992

Supplementary (1) SCC 335 and more particularly clause 1,3 and 7 of para 102 of the judgment. 13.

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2).....

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4).....

(5).....

(6).....

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

21. We are, therefore, of the considered view that this is a case where powers under Section 482 of the Criminal Procedure Code

are to be exercised for the reason stated above. We therefore, pass the following order :-

ORDER

- i) Application is allowed.
- ii) The First Information Report No. 0031/2025, dated 14.01.2025 registered with Police Station Hudkeshwar, District-Nagpur, and the Charge sheet No. 142/2025 for offence under Section 85 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, presently pending as Regular Criminal Case No. 2439/2025 before the 8th Judicial Magistrate First Class, Nagpur, J.M.F.C. Corp. Court No. 2, are hereby quashed and set aside to the extent of the present applicants.
- iii) The application is disposed of accordingly.

(NANDESH S. DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

Shubham