



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

CRIMINAL APPLICATION (APL) NO. 1400 OF 2025

1. **Vikrant s/o Deeliprao Bhagat**
Aged about 34 years,
Occupation : Service
2. **Deeliprao s/o Ganpat Bhagat**
Aged about: 64 years,
Occupation: Nil
3. **Vanmala w/o Deeliprao Bhagat**
Aged about 56 years,
Occ. Household work

Nos.1 to 3 are R/o. Ward No.3,
Bouddha Bhoomi Parisar, Mahur,
District Nanded

4. **Mrs. Sujata w/o Arun Bhawre,**
Aged about:- 40 years,
Occ.Household work
5. **Arun s/o Ramchandra Bhawre,**
Aged about 45 years,
Occ. Business,
Nos. 4 and 5 are R/o Jamb Road,
Dwarka Nagar, Yavatmal,
District Yavatmal

APPLICANTS

// V E R S U S //

1. **The State of Maharashtra,**
Through Police Station Officer,
Police Station Awadhutwadi,
Yavatmal, District Yavatmal
2. **Mrs. Pallavi w/o Vikrant Bhagat**
Aged about 27 years,
Occ:- Household work, presently
residing in the house of Smt. Priya
Kale Suraj Nagar, Yavatmal, Tq. and
District Yavatmal

NON-APPLICANTS

Ms C. Bhute, Advocate for the applicants.
Mr. A.M. Kadukar, APP for non-applicant No.1/State.
Mr. Y.K. Dhande, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 16.01.2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.
3. The present application is preferred by the applicants under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short, 'BNS') for quashing of the First Information Report in connection with crime No.997/2024 registered at Police Station Awadhutwadi District Yavatmal for the offences punishable under Sections 498-A, 504 and 506 of the Indian Penal Code (for short, 'IPC') and Sections 3 and 4 of the Dowry Prohibition Act, 1961 and consequent proceeding arising out of same bearing RCC No.56/2025 pending before the learned Judicial Magistrate First Class, Yavatmal.

4. The applicant No.1 is the husband and other applicants are his nearest relatives are arrayed as an accused in connection with the aforesaid crime on the basis of report lodged by non-applicant No.2- Pallavi Vikrant Bhagat on an allegation that her marriage was performed with applicant No.1 on 24.01.2023. After marriage she resumed the cohabitation of the applicant No.1. Her husband was addicted by consuming liquor and was demanding divorce from her. On that count, he was ill treating her physically as well as mentally and other applicants also instigating him to ill treat her. On the basis of same, police have registered the crime against them.

5. Heard learned counsel for the applicants who submitted that as far as allegation levelled against the present applicants is concerned which is general and omnibus in nature. Merely because some dispute arose between husband and wife all the applicants are implicated in the alleged offence. As far as applicant Nos.2 to 5 are concerned, they are implicated merely because they are relatives of husband. No specific instances or specific allegation are levelled against the applicants. As far as the applicant Nos.4 and 5 are concerned, they are not residing along

with the applicant No.1 and the informant. Merely because applicant No.4 is sister she is implicated though she is married long back and residing at her matrimonial house.

6. Per contra, learned APP strongly opposed for the same and submitted that considering the allegations levelled against the present applicants that they all in furtherance of their common intention insisted the non-applicant No.2 to give divorce to applicant No.1 and on that count she was ill treated by the applicants, therefore, prima-facie case is made out against the applicants and hence, application deserves to be rejected.

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

8. After hearing both the sides and on perusal of the entire investigation papers it reveals that matrimonial dispute arose between husband and wife, applicant No.1 has issued the notice to non-applicant No.2 and thereafter the FIR came to be lodged. As far as allegation levelled against applicant No.1 is concerned which is substantiated by the statement of the

informant as well as the other statements of the witnesses. Thus, prima-facie case is made out against the applicant No.1. As far as applicant Nos.2 to 5 are concerned, it is apparent that they are implicated in the alleged offence merely because they are relatives of the husband.

9. Section 498-A 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.

10. In the light of the requirement of the offence admittedly no wilful conduct is narrated by the non-applicant No.2 as far as applicant Nos.2 to 5 are concerned. Considering the observations of Hon'ble Apex Court that now there is a tendency to implicate all family members in the such types of offence. The applicant Nos.2 to 5 appear to be implicated in the alleged offence. In view of that application deserves to be allowed.

12. In view of that I proceed to pass following the order:-

ORDER

(i) The Criminal Application is partly allowed.

(ii) First Information Report in connection with crime No.997/2024 registered at Police Station Awadhutwadi District Yavatmal for the offences punishable under Sections 498-A, 504 and 506 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961 and consequent proceeding arising out of same bearing RCC No.56/2025 pending before the learned Judicial Magistrate First Class, Yavatmal are hereby quashed and set aside to the extent of applicant Nos.2 to 5 Deeliprao s/o Ganpat Bhagat, Vanmala

w/o Deeliprao Bhagat, Vanmala w/o Deeliprao Bhagat,
Mrs. Sujata w/o Arun Bhawre and Arun s/o Ramchandra
Bhawre.

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

13. Criminal Application stands disposed of in the above
terms.

(URMILA JOSHI PHALKE, J.)

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