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

CRIMINAL APPLICATION (APL) NO.1437 OF 2025

1. Chhayabai w/o Annaji Waratkar,
Aged about 67 Years,
Occupation : Household.
2. Pankaj s/o Annaji Waratkar,
Aged about 42 Years,
Occupation : Private,
Both 1 and 2 R/o.Manjidana colony,
Nagpur
3. Shubanji w/o Ghanshyam Chilange,
Aged 48 Years,
Occupation : Service,
R/o. Arvi Naka, Gandhinagar,
Arvi Road, Wardha.
4. Sneha w/o Sushil Sontakke,
Aged 42 Years,
Occupation : Service,
R/o Shivanga Apartment,
Flat No.003, Gokul Society,
Gorewada Road, Nagpur.

.... APPLICANTS

// VERSUS //

1. The State of Maharashtra,
through Police Station Officer,
Police Station, Warora.
2. Nisha w/o Sandip Waratkar
Aged about 34 Years,
Occupation : Private Service,
R/o C/o Vinod Mahadeo Sontakke,
Sai Nagar Colony, Warora

....NON-APPLICANTS

Mr. C. S. Maskar, Advocate h/f Mr. S.G. Karmarkar, Advocate
for applicants.

Mr. N. B. Jawade, APP for non-applicant No.1/State.

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CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/03/2026

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

5. The present application is preferred by the applicants who are the mother-in-law, brother-in-law and sisters-in-law of the non-applicant No.2. 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 son of the applicant No.1 Sandip Annaji Waratkar on 27.04.2013. After marriage, she resumed cohabitation. She has also begotten one daughter from the said wedlock. It is alleged by her that after marriage for some days, she was treated well and thereafter her mother-in-law and brother-in-law started harassing her on account of no gold ornaments are given in the marriage. Thereafter, she was also abused and assaulted by these applicants, as she has begotten a female child. She has specifically narrated the incident dated 19.02.2016, on that day,

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she was assaulted by applicant Nos.1 and 2, and therefore, she constrained to leave the matrimonial house. On the basis of the said report, police have registered the crime against the present applicants.

6. After registration of the crime, the Investigating Officer has recorded the relevant statements of the witnesses and after completion of the investigation, submitted the charge sheet against the present applicants.

7. Heard learned counsel for the applicants, who submitted that on the basis of baseless, false and omnibus allegations, the applicants are implicated in the alleged offence. Learned counsel for the applicants submitted that as per the allegations levelled against the present applicants, she was assaulted on 19.02.2016, but prior to that she started residing separately along with her husband. Learned counsel for the applicants placed reliance on the Agreement of Leave and Licence which shows that the husband of the non-applicant No.2 has obtained a premises on rent from one Prakash Ramnaya Tripathi dated 17.04.2014, which shows that the husband of the non-applicant No.2 has obtained the premises on rent. He further invited my attention towards one compromise deed between the applicant No.2 and husband of the non-applicant No.2 and their father which shows that the husband of the

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non-applicant No.2 has obtained the amount of Rs.12,00,000/- and has left his rights over the household property owned by the father. Thus, he submitted that compromise dated 01.04.2014, the Agreement of Leave and Licence dated 17.04.2014 sufficiently shows that none of the applicants were residing along with the non-applicant No.2 and her husband. Merely some dispute arose between the husband and wife and therefore, the present applicants being the relatives of the husband were implicated on the basis of false and omnibus allegations. Moreover, these facts are suppressed by the non-applicant No.2, while lodging the FIR. In view of that, the application deserves to be allowed.

8. Per contra, learned APP strongly opposed the said contention and submitted that specific instances are narrated by the non-applicant No.2, and therefore, the application deserves to be rejected.

9. On hearing both sides and on perusal of the entire investigation papers, it reveals that the marriage between the non-applicant No.2 and the husband and the son of the applicant No.1 was performed on 27.04.2013. The Agreement of Leave and Licence shows that since 17.04.2014, she started residing separately as her husband has obtained the premises on leave and licence. Thus, after marriage, she resided along with the

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present applicants only for 6 to 7 months. The compromise between the family members i.e. between the husband of the present non-applicant No.2 and applicant No.2 and his father shows that the husband of non-applicant No.2 has obtained the amount of Rs.12,00,000/- from the applicant No.2 and his father and thereafter relinquished his right in favour of the applicant No.2 and his father. All these circumstances shows that the non-applicant No.2 was not residing along with the applicants on the day of incident, which is narrated by her. Moreover, all these facts are concealed by the non-applicant No.2, while lodging the FIR. Admittedly, the incident dated 19.02.2016 which is narrated by the non-applicant No.2, appears to be false and baseless in view of the above documents.

10. Section 498A of IPC deals with of cruelty by husband or relatives of the husband. For the purpose of this Section 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; or 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. There is no doubt that the object of introducing Chapter XXA containing Section 498A of the

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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 unlawful demands of dowry. In any event the willful act or conduct ought to be the proximate cause in order to bring home the charge under Section 498A of IPC.

11. In view of the provision there has to be material on record to show that it was the present applicants who have harassed or ill-treated the informant. The aspect of false implication is repeatedly considered by the Hon'ble Apex Court especially 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 the 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. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an

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abuse of the process of law. The Court further 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.

12. This is a case wherein apparently the misuse of the provision is apparent in the light of the documents, which are filed on record. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

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

(ii) The FIR in connection with Crime No.210/2016 registered with Police Station, Warora, District Chandrapur for the offence punishable under Section 498A read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing RCC No.142/2016 pending before the 2nd Joint Civil Judge, Senior Division and Additional Chief Judicial Magistrate, Warora, District Chandrapur, are hereby quashed and set aside to the extent of the present applicants.

The application is disposed of.

(URMILA JOSHI-PHALKE, J)