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

CRIMINAL APPLICATION (APL) NO.1442 OF 2025

1. Aanand s/o Pundalik Raut,
Age : 31 Years,
Occupation : Private,
R/o. Plot No.9,
Jaitala Road, Nagpur.
2. Piyush s/o Pundalik Raut,
Age : 33 years,
Occupation : Private,
R/o. Plot No.9,
Jaitala Road, Nagpur.
3. Vandana wd/o Pundalik Raut,
Age : 55 Years,
Occupation : Household,
R/o. Plot No.9,
Jaitala Road, Nagpur.
4. Vidya Yashwant Thombre,
Age : 71 years,
Occupation : Private,
R/o. Mahal, Nagpur.
5. Rashmi Dilip Khode,
Age : 52 Years,
Occupation : Household,
R/o. Trimurti Nagar, Nagpur.

.... APPLICANTS

// VERSUS //

1. State of Maharashtra,
through Police Station Officer,
Police Station, Kamthi,
District Nagpur.
2. XYZ (Victim) in Crime No.
407/2025,
Through Police Station Officer,
Police Station, Kamthi,
District Nagpur.

....NON-APPLICANTS

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Mr. A. S. Band, Advocate for applicants.
Mr. N. B. Jawade, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10/02/2026

ORAL JUDGMENT :

1. Heard.
2. **Admit.**
3. Heard finally with the consent of the learned Counsel for the applicants and learned APP for the non-applicant No.1/State. Despite the notice, the non-applicant No.2 has not accepted the notice.
4. Present application is preferred by the applicants for quashing of the FIR in connection with Crime No.407/2025 registered with Police Station Kamthi, District Nagpur for the offence punishable under Sections 115(2), 3(5) and 85 of Bharatiya Nyaya Sanhita, 2023 and under Section 4 of the Dowry Prohibition Act.
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 on 05.07.2025. After marriage, she resumed cohabitation at the house of the present applicants, but on the second day itself her mother-in-law has asked her to do the household work. She further alleged that the family

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members of her husband have demanded the amount from her and her husband has assaulted her. Thus, she was physically ill-treated by the applicant No.1. She has further alleged that on various occasions, she was ill-treated on that count, nothing was given in the marriage by her parents. On the basis of the said report, police have registered the crime against the present applicants.

6. Heard learned counsel for the applicants, who submitted that the story narrated by the informant itself is improbable and unacceptable. It is unacceptable that on the second day of marriage, she would be ill-treated by the present applicants. He submitted that merely because the dispute arose between the husband and wife, this false report came to be lodged against all the family members. In view of that, he submitted that the application deserves to be allowed.

7. Per contra, learned APP strongly opposed the said contention and submitted that considering that from the second day of the marriage, the ill-treatment started to the non-applicant No.2. She has specifically narrated the specific instances as far as the ill-treatment is concerned, and therefore, the application deserves to be rejected.

8. On hearing both sides and on perusal of the recitals of the FIR, it reveals that allegation against the applicant Nos.2 to 5

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is general, omnibus and vague in nature. No specific instances are narrated as far as the ill-treatment at their hands is concerned. It is alleged that they have instigated the applicant No.1 and on their instigation, the applicant No.1 has slapped her and also abused, physically and mentally ill-treated her. As far as the applicant No.1 is concerned, against whom she has narrated the specific instances i.e. 08.07.2025, 09.07.2025 and 11.07.2025. She has stated that on 08.07.2025, she was slapped by the applicant No.1.

9. Section 498A 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.

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10. In the light of the above observation, if the recitals of the FIR are taken into consideration and the careful scrutiny of the FIR depicts that vague, general and omnibus allegations are made against the applicant Nos.2 to 5. As far as the applicant No.1 is concerned, against whom the specific instances are narrated by the non-applicant No.2.

11. At this stage, reference can be given to the observations made by the Hon'ble Apex Court in the case of **Preeti Gupta Vs. State of Jharkhand, reported in (2010)7 SCC 667** wherein the Apex Court observed in para 30, 32 and 34 as under:

"30. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this Court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

32. It is a matter of common experience that most of these complaints under section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can

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lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations."

12. In another case of **Kahkashan Kausar Vs. State of Bihar reported in (2022) 6 SCC 599**, wherein the Hon'ble Apex Court observed that:

"The above-mentioned decisions clearly demonstrate that the court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them."

13. In the light of the above observations, if the allegations against the applicant Nos.2 to 5 are taken into consideration, admittedly, they are omnibus, general and sweeping in nature, no specific instances are narrated by the non-applicant No.2. Thus, no *prima facie* case is made out against them. As far as the applicant No.1 is concerned, against

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whom the specific instances are narrated by the non-applicant

No.2. In view of that, application deserves allowed partly.

According, I proceed to pass following order:

ORDER

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

(ii) The FIR in connection with Crime No.407/2025 registered with Police Station Kamthi, District Nagpur for the offence punishable under Sections 115(2), 3(5) and 85 of Bharatiya Nyaya Sanhita, 2023 and under Section 4 of the Dowry Prohibition Act, is hereby quashed to the extent of the present applicant Nos.2 to 5.

(iii) The prayer of the applicant No.1 - **Aanand s/o Pundalik Raut** for quashing of the FIR is hereby rejected.

The application is disposed of.

(URMILA JOSHI-PHALKE, J)