



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

CRIMINAL APPLICATION(APL) NO. 1456 OF 2025

Harish Ashok Walke and ors. Vs. State of Maharashtra and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms.Harsha Mehta (Joshi), counsel for the applicant.
Ms.Ritu Sharma, APP for the State.
Ms.B.C.Dhruv, counsel for non applicant No.2

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 28/04/2026

1) The applicants are seeking to quash and set aside the Charge-sheet being Regular Criminal Case No.1082 of 2025, pending before the 4th Judicial Magistrate, First Class, Nagpur and the First Information Report Vide Crime No.218 of 2022, registered with Police Station Mankapur for the offence punishable under Sections 498-A, 504 r/w 34 of the Indian Penal Code.

2) Applicant No.1 is the husband, and Applicant Nos.2 and 3 are the mother-in-law and father-in-law of Non-Applciant No.2. Non-Applciant No.2 lodged a complaint, pursuant to which the present crime came to be registered.

3) The marriage between Applicant No.1 and Non-Applicant No.2 was a love marriage. The Non-Applicant No.2 resided with the applicants for a period of two years. Out of the said wedlock, a male child was born.

4) It is alleged by Non-Applicant No.2 that the applicants failed to take proper care of her. She was employed, and according to her, the applicants demanded that she should hand over her entire salary on the ground that she was not performing household work. It is further alleged that in the year 2021, she transferred an amount of Rs.2,32,000/- to the bank account of her brother-in-law. She has also stated that the applicant No.1 is seeking custody of the child. Allegations of harassment, including domestic quarrels and the requirement to bear her own medical and delivery expenses, have been made. It is further alleged that after delivery, she was dropped at her parental home and, due to mental and physical harassment, she was compelled to leave her matrimonial house.

5) Learned counsel for the applicants has invited the attention of this Court to the bank account statement, demonstrating that although the amount of Rs.2,32,000/- was transferred to the account of the brother-in-law, the same was utilized for the medical treatment of Applicant No.1, who was COVID-19 positive at the relevant time. The

said amount was paid to Kings-way Hospital. It is submitted that since Non-Applicant No.2 is a government servant, the said amount was subsequently reimbursed to her. It is thus contended that the said transaction has been unnecessarily misconstrued. It is further submitted that the remaining allegations do not constitute any mental or physical harassment. Hence, it is prayed that the charge-sheet and the FIR registered against the applicants be quashed and set aside.

6) Learned counsel for Non-Applicant No.2 opposed the application, contending that despite the marriage being a love marriage, Applicant No.1 used to consume alcohol and subjected her to harassment. It is alleged that he demanded money from her and that she transferred funds to his account. It is further contended that he neglected to take care of his son and, after delivery, abandoned her at her parental home. It is also alleged that after a lapse of two years, he filed a custody petition for the child. On these grounds, it is submitted that the applicants have committed offences punishable under Section 498-A of the Indian Penal Code, and therefore, the application deserves to be rejected.

7) Heard the learned counsel for both sides.

8) The allegations against the present applicants pertain to demand of money and alleged harassment. Non-Applicant No.2 is a government servant, and her contention that she was asked to contribute her salary due to non-performance of household work cannot, in itself, be construed as unlawful demand or cruelty within the meaning of Section 498-A of the Indian Penal Code. The transfer of Rs.2,32,000/- is supported by bank statements, which indicate that the said amount was utilized for the medical treatment of Applicant No.1 during the COVID-19 period. It is also noted that during the said period, Non-Applicant No.2 was sent to her parental home for care and safety along with her child.

9) Upon consideration of the allegations and the material on record, no *prima facie* case under Section 498-A of the Indian Penal Code is made out against the applicants. It further appears that after the filing of the custody petition by Applicant No.1, Non-Applicant No.2 issued threats via WhatsApp messages and subsequently lodged the present complaint. In view of the overall circumstances, no case is made out against the applicants under Section 498-A of the Indian Penal Code.

10) Considering the allegations under Section 498-A of the IPC, Charge-sheet being Regular Criminal Case No. 1082 of 2025, pending before the 4th Judicial Magistrate, First

Class, Nagpur and the First Information Report Vide Crime No.218 of 2022, registered with Police Station Mankapur for the offence punishable under Sections 498-A, 504 r/w 34 of the Indian Penal Code are hereby quashed and set aside only subject to the applicants depositing Rs.10,000/- (rupees ten thousand only) with the Public Welfare Account maintained with Union Bank of India, High Court Branch, Civil Lines, Nagpur bearing Account No.129712010001014 and IFSC Code UBIN0812978 and producing the receipt thereof on record within three weeks.

11) The application is allowed in the above terms and disposed of.

JUDGE