



Judgment

16 APL1492.25

1

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

CRIMINAL APPLICATION APL NO.1492/2025

1. Nandkumar s/o Namdevrao Wankhade
(husband's maternal uncle),
aged about 59 years, occupation retired.

2. Sau.Nirmala Nandkumar Wankhade
(husbands maternal aunt).

Aged about 53 years, occupation house maker,
r/o Goyanka Nagar, Murtizapur,
district Akola. **Applicants.**

:: VERSUS ::

1. State of Maharashtra,
through Police Station Officer,
Murtizapur (City), taluka Murtizapur,
district Akola.

2. Sau.Vaishali Tushar Gawai,
aged about 29 years occupation job,
r/o Rajgruh Nagar, Murtizapur, taluka Murtizapur,
district Akola. **Non-applicants.**

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Shri S.C.Wankhade, Counsel for the Applicants.

Shri Nikhil Joshi, APP for Non-applicant No.1/State.

None for the Non-applicant No.2

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CORAM : URMILA JOSHI-PHALKE, J.

DATE : 03/02/2026

ORAL JUDGMENT

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2

1. Heard learned counsel Shri S.C.Wankhade for the applicants and learned APP Shri Nikhil Joshi for the State. Despite service, none appears for the non-applicant No.2 (the informant). **Admit.** Heard finally by consent.

2. By this application, the applicants, who are relatives of the husband of the informant, are seeking quashing of FIR in connection with Crime No.189/2023 registered for offences under Section 498-A read with 34 of the IPC and consequent proceeding arising out of the same bearing RCC No.112/2024.

3. Learned counsel for the applicants submitted that the applicants are maternal uncle and maternal aunt of the husband of the informant. The only allegation against them is that they have instigated the informant to obtain divorce from her husband. Except the said allegation, there is absolutely no material to connect the applicants with the alleged offence. He submitted that merely on the basis of

3

general and omnibus allegation, they are implicated in the alleged offence. No specific instances or willful conduct is narrated by the informant to attract offence under Section 498-A of the IPC.

4. *Per contra*, learned APP for the State strongly opposed the said contentions and submitted that in furtherance of common intention with the other co-accused, the applicants have instigated the informant and thereby ill-treated her mentally. In view of that, the application deserves to be rejected.

5. On hearing both the sides and perusing recital of the FIR, it reveals that FIR came to be lodged by the informant on allegation that her marriage was performed with husband Tushar Gawai on 6.6.2021. After the marriage, she resumed cohabitation at her matrimonial house. Her husband was addicted to bad vices and used to abuse her for trivial reasons. He has also attempted to strangle her

4

during the mid-night. She was also ill-treated by him and his parents by demanding amount. On the basis of the said report, the police registered the crime.

6. Perusal of the FIR and other investigation papers shows that only allegation against the applicants that they were insisting the informant to take divorce from her husband. Except the said allegation, there is absolutely no material to connect the applicants with the alleged offence.

7. Now, it is well settled that mere reference of the names of relatives without assigning any specific role or specific act would not be sufficient to attract the offence under Section 498-A of the IPC.

8. In view of recital of the FIR and other statements of witnesses, no *prima facie* case is made out to attract the offence. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(1) The criminal application is **allowed**.

(2) The FIR in connection with Crime No.189/2023 registered for offences under Section 498-A read with 34 of the IPC and consequent proceeding arising out of the same bearing RCC No.112/2024 are hereby quashed and set aside to the extent of applicants Nandkumar s/o Namdevrao Wankhade and Sau.Nirmala Nandkumar Wankhade.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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