



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

CRIMINAL APPLICATION (APL) NO. 1493 OF 2025

APPLICANTS

(Maternal uncle)

- :-** 1) Bandu @ Rajesh s/o Kisanrao Raut,
Aged about 57 years,
Occupation: Agriculturist,
R/o Sawargaon Kanhoba,
Tah. Mangrulpir, District Washim.

(Maternal Aunt)

- 2) Smt. Usha Pradip Vyawahare,
Aged about 66 years, Occupation:
Household, R/o Narayan Nagar,
Rukhmini Nagar, Amravati.

..VERSUS..

NON-

APPLICANTS

- :-** 1) State of Maharashtra,
through Police Station Officer,
Police Station Washim,
District Washim.
- 2) Sau Apeksha w/o Rohit Dhobale,
Aged about 27 years, occupation:
Household, R/o Hariom Colony,
Washim, Tah. and District Washim.

Mr. Ashish Dnyaneshwar Giradekar, counsel for applicants.
Ms. Ritu Sharma, APP for non-applicant No.1/State.
None for non-applicant No.2.

CORAM : **URMILA JOSHI PHALKE, J.**

DATE : **24/03/2026**

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Heard finally with the consent of learned counsel for the applicant, learned APP for non-applicant No.1/State.
3. Despite the service of notice, none appears for non-applicant No.2.
4. The affidavit of service is taken on record.
5. The present application is preferred by the applicants for quashing of the First Information Report (FIR) registered with Non-applicant No.1- Police Station Officer, Washim City, in connection with Crime No. 348 of 2023, registered under Section 498(A) read with Section 34 of the Indian Penal Code, 1860, and the consequent proceedings arising out of the same bearing Chargesheet No. 179 of 2023.
6. The crime is registered on the basis of a report lodged by the non-applicant No.2, namely Apeksha Rohit Dhoble, who is the wife of the co-accused Rohit Gajanan Dhoble. The present applicants are the maternal uncle and aunt of the husband of the non-applicant No.2.
7. As per her allegations, her marriage was performed with the co-accused Rohit on 16/01/2021 as per Hindu rites and customs at Karanja Lad, District Washim. The marriage was performed by her father by incurring the expenses. It is alleged that the applicants who are the maternal aunt and uncle allegedly tortured her and instigated her husband, and

due to such instigation, he has physically and mentally abused and assaulted her. On the basis of the said report, the police have registered the crime against the present applicants.

8. Heard learned counsel for the applicants, who submitted that with the ominous and baseless allegations, the crime is registered against the present applicants, only to give a counterblast to the complaint filed by the other co-accused. It is further submitted that, except the general and ominous allegations, no specific instances are narrated as far as the role of the present applicants are concerned regarding torture to the non-applicant No.2. It is contended that merely because they are relatives of the husband of the non-applicant No.2, they have been implicated in the alleged offence. In view of that, the application deserves to be allowed.

9. He further submitted that the prayer of some of the accused has already been considered by this Court in Criminal Application (APL) No. 403 of 2024.

10. The learned APP strongly opposed the said contentions and submitted that considering there is an allegation that the present applicants used to harass the non-applicant No.2 and therefore, the FIR came to be lodged against them. She invited my attention towards the recitals of FIR and submitted that there are specific allegations against the present applicants. In view of that, she prayed for rejection of the application.

11. At this stage, reference can be given to Section

498-A of IPC which reads as under :-

“498-A. Husband or relative of husband of a woman subjecting her to cruelty -- Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation -- For the purpose of this section, "cruelty" means-

(a) 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

(b) 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 meet such demand."

12. On perusal of the entire material all the statements are omnibus stereotype. At this stage, reference can be given to the observations made by the Hon'ble Apex Court in the matter of ***Preeti Gupta vs State of Jharkhand reported in (2010) 7 SCC 667*** wherein the Apex Court observed in para Nos.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 is 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 lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.”

13. In the case of *Kahkashan Kausar @ Sonam vs The State of Bihar reported in (2022) 6 SCC 599*, the Supreme Court after taking stock of various decisions, rendered by the Supreme in the subject matter, observed in para 17 as under:

“The above-mentioned decisions clearly demonstrate that this 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.”

14. The object of the provision is prevention of the dowry. But as in catena decision it is held that the complaints are not bonafide and some times filed with oblique motive. In such cases acquittal of the accused does not in all cases wipe out the ignominy suffered during and prior to trial. Merely because the provision is constitutional and intra vires, does not give a licence to unscrupulous persons to wreck personal vendetta or unleash harassment.

15. Recently, the Hon’ble Apex Court in the case of ***Mange Ram vs State of Madhya Pradesh [MANU/SC/1066/2025]*** by considering the various decisions observed that

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 abuse of the process of law. The Court 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.

16. Keeping in mind aforesaid observations, as far as the present applicants are concerned, it is admitted that, except for omnibus, vague, and sweeping allegations, there is no specific instances narrated as far as the harassment at the hands of the present applicants are concerned. It is also admitted that present applicants are residing at different place, and there is no occasion for them to visit the house of the non-applicant No.2 and subjected her to torture.

It is apparent that they have been implicated merely because they are the relatives of the husband of the non-applicant No.2. It is now well settled that mere reference of the names of the relatives is not sufficient, except the specific instances are narrated by the complainant. In view of that, the

application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal Application is **allowed**.
 - b] The First Information Report in connection with Crime No. 348 of 2023, registered with respondent No.1- Police Station Officer, Washim City, for the offence punishable under Section 498(A) read with Section 34 of the Indian Penal Code, 1860, and the consequent proceedings arising out of the same, bearing Chargesheet No. 179 of 2023, are hereby quashed and set aside to the extent of the present applicants.
17. Pending application(s), if any, stands **disposed of**.

(URMILA JOSHI PHALKE, J.)