



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

CRIMINAL APPLICATION (APL) NO. 1511 OF 2025

APPLICANT : Raju @ Rajiv S/o Namdeorao Bharde,
Age 57 years, Occ : Service,
R/o Navajion Colony, Sendurwafa,
Sakoli, Dist : Bhandara.

VERSUS

NON-APPLICANTS :

1. State of Maharashtra
Through its Police Station Officer,
Police Station Frejarpura,
Amravati City, Amravati.
2. Sau. Prajakta W/o Kapil Borkute,
Age 32 years, Occ : Service,
R/o C/o Ashok Bhimraoji Wankhade,
New Colony, Dastur Nagar,
Amravati.

Shri S. S. Shingane, Advocate for applicant.

Shri A. M. Kadukar, Additional Public Prosecutor for Non-applicant
No.1.

Ms. Jaya Thakare, Advocate for Non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.
DATED : 09/03/2026.

ORAL JUDGMENT :

1. Heard. **Admit.** Heard finally with the consent of learned
counsel appearing for the parties.

2. By this application, applicant is seeking quashing of the
FIR in connection with Crime No.480/2025 registered under
Section 3(5) and 85 of the BNSS, 2023.

3. A crime is registered on the basis of report lodged by the non-applicant No.2 on an allegation that her marriage was performed with one Kapil Pandurangji Borkute in the year 2021. After marriage, she resumed cohabitation. She was treated well for some days but thereafter, she was subjected for the ill-treatment by demanding cash amount as well as the golden ornaments and for that purpose, she was physically as well as mentally ill-treated by the present applicant as well as other co-accused.

4. On 11/12/2024 when she had been to her room, at that time, her husband came there, abused her and she has lodged the report about the said incident to the police station. On the basis of said report, police have registered a crime against the present applicant.

5. Heard learned counsel for the applicant who submitted that the present applicant is the maternal uncle. He never resided along with non-applicant No.2 or her in-laws merely because he is the relative of the husband is implicated in the alleged offence only on the basis of general, omnibus and sweeping allegations. He submitted that no wilful conduct is narrated by the non-applicant No.2 as far as the role of the present applicant is

concerned. The entire recitals of the FIR show that the general and omnibus allegations are levelled against the present applicant. In view of that, application deserves to be allowed.

6. Per contra, learned APP and learned counsel for non-applicant No.2 strongly opposed the said contention and submitted that being maternal uncle of the husband of the non-applicant No.2, he used to visit the maternal house of non-applicant No.2 and ill-treated her. Thus, sufficient material is there to connect him with the alleged offence. In view of that, application deserves to be rejected.

7. After hearing both the sides and on perusal of the entire investigation papers, it reveals that on the basis of omnibus and sweeping allegations, present applicant is arrayed as an accused. As far as the allegations levelled in the First Information Report is concerned, no specific instances are narrated by the non-applicant No.2 to show the involvement of the present applicant in the ill-treatment.

8. There is no doubt that the object of introducing Chapter XX-A containing Section 498-A in the Indian Penal Code was to

prevent the torture to a woman by her husband or by relatives of her husband. Section 498-A 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.

9. In any event, the wilful act or conduct ought to be the proximate cause in order to bring home the charge under Section 498-A. To have an event some time back cannot be termed as a factor taken note of the matter of charge under Section 498-A of the IPC. The legislative intent is clear enough to indicate in particular reference to explanation (b) that they shall have to be a series of acts in order to bear harassment within the meaning of explanation (b).

10. In view of explanation (a), there has to be wilful conduct which is of such a nature as is likely to drive a woman to commit suicide or to cause grave injury or danger to life, limb or health.

11. In absence of any specific allegation showing wilful conduct, the offence under Section 498-A of the IPC (85 of the BNSS, 2023) is not made out. In view of that, 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.480/2025 registered under Section 3(5) and 85 of the BNSS, 2023 is hereby quashed and set aside to the extent of present applicant.
- iii] The application is disposed of.

12. The applications, pending if any, are disposed of accordingly.

[JUDGE]