



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

CRIMINAL APPLICATION (APL) NO. 1562 OF 2025

1. Mr. Rahul s/o Bhaurao Hajare,
Aged about 36 Years.
Occ: Private Service.
R/o Plot No. 65, Birsa Nagar,
Jaimata High School Road, Behind
Omkar Lawn, Dighori, Nagpur-
440024. Mo: +91-9881143373.
2. Mr. Bhaurao s/o Natthuji Hajare,
Aged about 64 Years; Occ: Private.
3. Mrs. Bhavana w/o Bhaurao Hajare,
Aged about 55 Years Occ:Housewife,
Both Applicant No. 2 & 3 are R/o
Flat No. 206, Sabhasad Sahniwas,
Ayurvedic Layout, Ayodhya Nagar,
Nagpur-440024.
Mo: +91-8888285728.

APPLICANTS

Versus

1. The State of Maharashtra Through
Police Station Officer, Police Station,
Wathoda, Tah. And District-Nagpur.
2. Mrs. Priya w/o Rahul Hajare,
Aged about 31 Years,
Occ: Housewife,
R/o, C/o, Shri. Sanjay Kewate, Plot
No. 606, Darshan Colony,
Nandanwan, Nagpur, (Police Station-
Nandanwan, Nagpur City)

NON-APPLICANTS

Mr. T.D. Mandlekar, Advocate for the Applicants.
Mr. A.M. Kadukar, APP for the Non-applicant No.1/State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 12th FEBRUARY, 2026.

ORAL JUDGMENT :-

1. Heard.
2. **ADMIT.** Heard finally by the consent of learned Counsel for the Applicants and learned APP for the Non-applicant No.1/State.
3. The present Application is preferred by the Applicants for quashing of the First Information Report in connection with Crime No.6/2024 registered with Police Station Wathoda, Nagpur City for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing R.C.C. No. 1000/2024 pending before the Judicial Magistrate First Class, Nagpur.

4. 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 No.1 on 30.06.2017. From the said wedlock she is having one daughter aged about 5 years. As per her allegations her husband was addicted to bad voices and she has obtained the loan to fulfill his bad voices. It is further alleged by her that on the demand of Applicant No.1 she has obtained the amount of Rs. 1,50,000/- from her parents on 08.12.2018. Thereafter for some days she was treated well and subsequent to that also she was ill-treated by demanding the amount, and therefore, she was constrained to leave the matrimonial home and lodged the report. On the basis of the said report Police have registered the crime against the present Applicants.

5. Heard learned Counsel for the Applicants who submitted that, taking into consideration the entire recitals of the FIR as it is, no specific instances are narrated by the Non-applicant No.2, no specific allegations against any of the Applicants, merely there was rift between the husband and wife, this FIR came to be lodged. He invited my attention towards the

NC report filed by the Applicant No.1 and submitted that, on the contrary, the Applicant No.1 was assaulted by the relatives of the Non-applicant No.2, and therefore, he has lodged the report on 17.10.2023 and on the basis of which one NC report was registered against the relatives of the Non-applicant No.2. He submitted that, already the matrimonial dispute is arose between the parties and to give a counter blast to the complaint filed by the Applicant No.1, this false FIR came to be lodged. He submitted that, in view of the requirement of Section 498-A of IPC, the wilful conduct required to be shown by the Non-applicant No.2. From the recitals of the FIR except the general allegations are levelled and no specific instances are narrated, and therefore, the offence punishable under Section 498-A of IPC is not made out, and therefore, the Application deserves to be allowed.

6. *Per contra*, learned APP strongly opposed the said contention and submitted that the recitals of the FIR itself shows that the Non-applicant No.2 initially also lodged her report on 28.10.2023 and on the basis of which the preventive action was taken against the present Applicants. He submitted

that, considering the recitals of the FIR *prima facie* case is made out against the Applicant No.1 as he has physically and mentally harassed the Non-applicant No.2, and therefore, the Application deserves to be rejected.

7. The present FIR has been lodged by the Non-applicant No.2 on 10.01.2024. As per her contention she was lastly driven out of house on 17.10.2023. Her initial complaint was also lodged on 28.10.2023. On the basis of which, only the preventive action was taken. Thus, from the document it reveals that there was no allegation as to the ill-treatment, and therefore, only the preventive action was taken against the present Applicants. It is further apparent from the record that, the Applicant No.1 has also lodged the report against the relatives of the Non-applicant No.2, as he was assaulted by her relatives. Thus, there appears to be a rift between the husband and wife and their relationship was disturbed due to various instances and thereafter this FIR came to be lodged against the present Applicants. A careful scrutiny of FIR depicts that general, omnibus and vague allegations are levelled against the

present Applicants regarding the ill-treatment for the trifle reasons.

8. At this stage, reference can be given to Section 498-A of IPC, which reads as under:

“498A. 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 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 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 to meet such demand.”

9. A careful scrutiny of charge-sheet shows that, the statements of the parents and the statement of the Non-applicant No.2 shows that omnibus and stereotyped allegations are levelled against the present Applicants.

10. At this stage, reference can be given to the observations made by the Hon’ble Apex Court in the case of

Preeti Gupta and another 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.”

11. The principles laid down by the Hon’ble Apex Court in the case of ***State of Harayana & Ors. Vs. Ch. Bhajan Lal & Ors., 1992 AIR 604***, while considering the Application under Section 482 of Cr.P.C., which reads as under:

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

12. If the same are applied to the facts of the present case, admittedly this is a fit case wherein the powers can be exercised under Section 528 of BNSS in favour of the present

Applicants. In view of that, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i. Criminal Application is **allowed**.
 - ii. The First Information Report in connection with Crime No. 6/2024 registered with Police Station Wathoda, Nagpur City for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing R.C.C. No. 1000/2024 pending before the Judicial Magistrate First Class, Nagpur, are hereby quashed and set aside to the extent of present Applicants.
- 13.** Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)