



Judgment

23 apl1687.25

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

CRIMINAL APPLICATION APL NO.1687/2025

1. Shrikrushna Ganeshrao Nandane,
(father-in-law of NA NO.2),
Aged 52 years, occupation : agriculturist,
r/o Borala, Amravati,
taluka and district Amravati.

2. Kanta Shrikrushna Nandane,
(mother-in-law of NA No.2),
Aged 48 years, occupation : household,
r/o Borala, Amravati,
taluka and district Amravati.

3. Bharati Ankush Dahane,
(sister-in—law of NA No.2),
Aged 30 years, occupation : household,
r/o Belora, Amravati,
taluka and district Amravati.

4. Ankush Rupraoji Dahane
(husband of applicant No.3)
Aged 32 years, occupation : service,
r/o The Dy.Superintendent of Police,
Wireless Rese Amravati Camp,
Amravati, taluka and district Amravati.

5. Manda Rupraoji Dahane,
(mother-in-law of applicant No.3)
Aged 56 years, occupation : household,
r/o Belora, Amravati,
taluka Chandur Bazar, district Amravati.

6. Ruprao Damlaji Dahane,
(father-in-law of applicant No.3) ,
Aged 61 years, occupation : agriculturist,
r/o Bhoipura, Post Belora,
taluka Chandur Bazar, district Amravati. **Applicants.**

:: VERSUS ::

1. State of Maharashtra,
Through Police Station Officer,
Police Station, Paratwada,
Amravati (Rural), district Amravati.

2. Karishma Rahul Nandane,
Aged about 25 years, occupation : household,
r/o Borala, taluka Chandur Bazar,
district Amravati. **Non-applicants.**

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Shri P.R.Agrawal, Counsel for the applicants.
Shri N.B.Jawade, Additional Public Prosecutor for the State.

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CORAM : URMILA JOSHI-PHALKE, J.

DATE : 19/01/2026

ORAL JUDGMENT

1. Heard learned counsel Shri P.R.Agrawal for the
applicants and learned Additional Public Prosecutor Shri
N.B.Jawade for the State. **Admit.** Heard finally by consent.

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2. By this application, the applicants have sought to quash and set aside FIR in connection with Crime No.915/2024 registered under Sections 3(5), 85, 351(2), and 352 of the BNS and consequent proceeding arising out of the same bearing RCC No.99/2025.

3. The crime is registered on the basis of a report lodged by non-applicant No.2 (the informant) on allegations that her marriage was performed with one Rahul Shrikrushna Nandane on 16.4.2024. The applicants are the nearest relatives of her husband. After the marriage, she resumed cohabitation at her matrimonial house, but she was not treated well for various reasons. She alleged that on 13.9.2024, when she had been to Borala and when she returned back, she was not allowed to enter into the house and she was driven out of the house. It is alleged that all the applicants were instigating her husband and on the count that they were not respected in marriage properly, she was subjected for ill-treatment as well as her husband demanded

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money from her. On the basis of the said report, the police have registered the crime against the applicants.

4. Learned counsel for the applicants submitted that general, vague, and omnibus allegations are levelled against the applicants. Except the instigation, no specific instance or willful conduct is narrated by the informant. Thus, it is apparent that merely because the applicants are relatives of the husband of the informant and dispute arose between the husband and the wife, they appear to be implicated in the alleged offence.

5. Per contra, learned APP for the State strongly opposed the said contentions and submitted that considering the statement of the informant, wherein she has specifically narrated the reasons behind ill-treatment and the specific role is attributed to the applicants, the application deserves to be rejected.

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6. Having heard both the sides and perused the entire investigation papers, it reveals that the dispute arose between the husband and the wife and, thereafter, FIR came to be lodged.

7. As far as “cruelty,” which is required to attract the offence under 498A of the IPC, is concerned, there has to be willful conduct. There should be harassment of 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 earlier made.

8. Thus, the “cruelty” which requires to attract the offence punishable under Section 498A of the IPC may be physical or mental.

9. Considering the allegation levelled against the applicants, who are the nearest relatives, except the instigation, and that is also general and omnibus in nature, no

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other material is before the court to observe that the offence under Section 498A of the IPC is made out.

10. It is true that while considering quashing of criminal proceeding under Section 482/528 of the CrPC/BNSS, the court should not embark upon an enquiry into the truthfulness of the allegations made by the complainant, but when filing of the FIR amounts to gross misuse of criminal justice system, it becomes the duty of the court to intervene in such cases under Section 482 of the CrPC or 528 of the BNSS so that there is no miscarriage of justice.

11. In the present case, considering the allegations levelled against the applicants, which are general, vague, and omnibus in nature, and the applicants appear to be implicated merely because they are relatives of the husband of the informant, the application deserves to be allowed, as per order below:

ORDER

(1) The Criminal Application is **allowed**.

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(2) FIR in connection with Crime No.915/2024 registered under Sections 3(5), 85, 351(2), and 352 of the BNS and consequent proceeding arising out of the same bearing RCC No.99/2025 are hereby quashed and set aside to the extent of the applicants.

Application stands disposed of.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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