



Judgment

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

CRIMINAL APPLICATION APL NO.1753/2025

1. Umesh s/o Vishnupant Gaikwad,
aged about 42 years, occupation: labour.
(husband).
 2. Vishnupant s/o Namdevrao Gaidwad,
aged about 79 years, occupation: labour.
(father-in-law).
 3. Asha w/o Vishnupant Gaikwad,
aged about 76 years, occupation: labour.
(mother-in-law).
 4. Shyam s/o Vishnupant Gaikwad,
aged about 37 years, occupation: labour.
(brother-in-law).
 5. Sheetal w/o Shyam Gaikwad,
aged about 33 years, occupation: household.
(sister-in-law).
- Applicant No.1 to 5 are r/o Sakhri, Post
Chincholi Shingne, Anjangaon Surji, taluka
Anjangaon, district Amravati.
6. Banti s/o Vinod Kale, aged about 25
years, occupation- service, r/o Takali
Khurd, Post Ladegaon, ward No.1, taluka
Karanja, district Washim.
(nephew).

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7. Sheela w/o Vinod Kale, aged about 44 years , occupation: household, r/o Takali, Takali Khurd, Post Kamargaon, taluka Karanja, district Washim.
(sister-in-law). **Applicants.**

:: VERSUS ::

1. State of Maharashtra,
through Police Station Officer, Rajapeth,
district Amravati.

2. Archana w/o Umesh Gaikwad,
aged about 35 years, occupation: household,
r/o Sakhari, taluka Anjangaon, district
Amravati, at present r/o c/o Ganesh
Sitaram Borkar, Gopal Nagar, Amravati.
(complainant). **Non-applicants.**

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Shri P.U.Kavishwar, Counsel for Applicants.
Mrs.M.A.Barabde, APP for NA No.1/State.
Ms Shreya Bhagat, Counsel Appointed for NA No.2.

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CORAM : **URMILA JOSHI-PHALKE, J.**
DATE : **07/04/2026**

ORAL JUDGMENT

1. Heard. **Admit.** Heard finally by consent.
2. By this application, applicants are seeking quashing of
FIR in connection with Crime No.1259/2021 registered with
non-applicant No.1 police station for offence under Section 498-

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A read with 34 of the IPC and consequent proceeding arising out of the same being RCC No.378/2022 pending before learned Additional Chief Judicial Magistrate, Amravati.

3. The crime is registered on the basis of a report lodged by non-applicant No.2 (the complainant) on allegations that her marriage was performed with applicant No.1 on 30.5.2014. After the marriage, she resumed cohabitation. She stayed in a joint family for seven months. Thereafter, she started residing along with her husband at Amravati. She alleged that whenever on festivals, she used to visit her matrimonial house, all applicants were ill-treating her by demanding amount Rs.50,000/- and for fulfillment of the said amount, they were physically and mentally harassing her. She specifically alleged that her brother-in-law used to follow her and also he used to taunt her that she has not conceived and, therefore, she is unable to give birth to child. He used to physically touched her and whenever she informed him that she will disclose the same fact to her husband, on that count, he used to threaten her that

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he will commit suicide and he has acted accordingly to bring bottle of Poison and threatened her.

On the basis of the said report, the police have registered the crime against present applicants.

4. Learned counsel for applicants submitted that on the basis of general, vague, and omnibus allegations, merely because dispute arose between the husband and wife, all family members are implicated in the alleged offence.

He submitted that in fact, the complainant has resided in a joint family for seven months and occasionally she used to visit and, therefore, her allegations, regarding physical and mental cruelty at the hands of applicants are not sustainable.

He has also invited my attention towards recital of the FIR and submitted that as far as demand of money is concerned, it is a general allegation without specifying any date regarding the said demand.

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As far as allegations against brother-in-law is concerned, which are false and baseless only to harass him by implicating him in a false offence.

In view of that, he prayed for quashing of the FIR.

5. Learned APP for the State and learned counsel for the complainant have strongly opposed the said contentions and submitted that considering allegation against brother-in-law, who has not only physically and mentally tortured the complainant but also he has with a sexual intent touched her and, therefore, there is specific allegation against the brother-in-law.

They both have also invited my attention towards statements of various witnesses and submitted that considering serious allegation against the brother-in-law and other applicants, the application deserves to be rejected.

6. After hearing both sides and perusing the entire investigation papers, as far as allegations regarding unlawful

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demand is concerned, admittedly, it is general and vague allegation without specifying any date and time regarding the demand of the amount.

7. As far as allegation regarding the brother-in-law is concerned, it appears to be serious allegation against him. The complainant has specifically narrated the incident that in April 2020, when there was a lock-down, she had been to her matrimonial house as her husband was not having work and at that time, the brother-in-law has ill-treated her and harassed her by making an allegation against him that he not only physically touched her but also he was having sexual intent behind that and on her disclosure that she will make aware her husband about this, he has threatened her.

8. Thus, considering the nature of allegation against the brother-in-law, admittedly, a prima facie case is made out against him i.e. applicant No.4 and, therefore, as far as applicant No.4 is concerned his request for quashing of the FIR cannot be considered.

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9. As far as husband is concerned, against whom also there are allegations levelled regarding ill-treatment at his instance.

10. Admittedly, there is a dispute between the husband and wife and out of that dispute this false FIR came to be lodged.

11. As far as other applicants are concerned, admittedly, they are implicated in the alleged offence merely because they are relatives of the husband.

12. Section 498-A of the IPC deals with husband or relative of husband of a woman subjecting her to cruelty, which reads as under:

“Section 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.

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Explanation.—For the purposes 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 to meet such demand.”

13. In the light of the above definition, admittedly, general, vague, and omnibus allegations are levelled against applicant Nos.2, 3, 5, 6, and 7. It is apparent that they are implicated in the alleged offence merely because they are relatives of the husband of the complainant.

There is no doubt that the object of introducing Chapter XX-A containing Section 498A in the Indian Penal Code was to prevent the torture to a woman by her husband

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or by relatives of her husband. in any event, the willful act or conduct ought to be proximate in order to bring home the charge under Section 498A of the IPC which is absent as far these applicant are concerned. Therefore, the application deserves to be allowed partly. Accordingly, I proceed to pass following order:

ORDER

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

(2) FIR in connection with Crime No.1259/2021 registered with non-applicant No.1 police station for offence under Section 498-A read with 34 of the IPC and consequent proceeding arising out of the same being RCC No.378/2022 pending before learned Additional Chief Judicial Magistrate, Amravati are hereby quashed and set aside to the extent of applicant Nos.2, 3, 5, 6, and 7.

(3) The prayer of applicant Nos.1 and 4 for quashing of the FIR is hereby **rejected**.

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(4) Fees of learned counsel appointed for the complainant be quantified and the same be paid to her as per rules.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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