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

CRIMINAL APPLICATION (APL) NO.1887 OF 2025

1. Sachin Shrikrushna Salunke,
Aged about 45 Years,
Occupation : Service,
R/o. Radha Kruhna Park,
Navsari, Amravati.

.... APPLICANT

// VERSUS //

1. State of Maharashtra,
Through Police Station Officer,
Gadge Nagar, Amravati,
Taluka and District Amravati.
2. Mona Sachin Salunke,
Aged about 43 Years,
Occupation : Household,
R/o. Radha Krushna Park,
Navsari, Amravati.

....NON-APPLICANTS

Mr. P. U. Kavishwar, Advocate for applicant.
Mr. A. M. Joshi, APP for non-applicant No.1/State.
Mr. C. R. Thakur, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/02/2026

ORAL JUDGMENT :

1. Heard.
2. **Admit.**
3. Heard finally with the consent of the learned Counsel
for the applicant and learned APP for the State and learned
counsel for the non-applicant No.2.

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4. By this application, the applicant is seeking quashing of the FIR in connection with Crime No.373/2025 registered with Police Station Gadge Nagar, Amravati for the offence punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023 and consequent proceeding arising out of the same bearing RCC No.2113/2025 pending before the learned 7th Joint Judicial Magistrate First Class, Amravati.

5. Heard learned counsel for the applicant, who submitted that on the basis of general, vague and omnibus allegation, the applicant is implicated in the alleged offence. He submitted that there are no specific instances narrated as far as the applicant is concerned, regarding the harassment and ill-treatment at the hands of the present applicant. He submitted that the marriage between the applicant and non-applicant No.2 has taken place on 04.04.2006, thereafter the non-applicant No.2 stayed along with the present applicant and there was no complaint. He further submitted that two children are begotten from the said marriage. Till birth of the children also, there was no complaint. Thus, subsequently, merely because dispute arose between the husband and wife, this FIR came to be lodged. In view of that, the application deserves to be allowed.

6. Per contra, learned APP and learned counsel for the complainant/non-applicant No.2 invited my attention towards the

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previous NCR reports which are lodged by the non-applicant No.2 and submitted that these NCR reports sufficient to show that ill-treatment was there and she was physically beaten and immediately she has lodged the report against the present applicant, which at this stage sufficient to attract the offence punishable under 498-A IPC.

7. After hearing both sides and on perusal of the recitals of the FIR and the entire investigation papers, it reveals that the marriage between the present applicant and non-applicant No.2 performed on 04.04.2006, thereafter she resumed cohabitation. She is having two children from the said wedlock. She specifically alleged that after marriage for one year, her husband treated her well, but subsequently she came to know that he is addicted to bad vices under the influence of liquor. He used to raise the suspicion on her character as well as used to abuse her under the influence of liquor. She further stated that she has lodged the report at the women Cell of the concerned Police Station and due to the intervention of the women Cell, the matter was settled and she again resumed cohabitation, but there was no change of the behaviour of the present applicant.

8. This contention is substantiated by the documents that against the present applicant two NCR reports are lodged by non-applicant No.2 on 04.04.2024 and 29.04.2025. Thus,

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recitals of the said NCR reports also shows that the applicant is addicted to bad vices like drinking liquor and under the influence of liquor used to abuse and physically assault her. The recitals of the said NCR report also shows that she has to work to maintain her children and present applicant was disturbing her from earning the money. Thus, recitals of the FIR sufficiently show the nature of the ill-treatment at the hands of the present applicant.

9. Section 498A deals with the cruelty of the husband or relatives of husband. The explanation given for the purpose of cruelty means 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 her life, limb or health, or harassment of a 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.

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

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dowry. The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. This is not the object of this Chapter XXA of the Indian Penal Code. In any event the willful act or conduct ought to be the proximate cause in order to bring home the charge under Section 498A of IPC.

11. In the light of the legal provision, if the act of the present applicant is taken into consideration, admittedly, immediately two NCR reports lodged by the non-applicant No.2 stating that the under the influence of liquor, she was assaulted on 04.04.2024 as well as 29.04.2025. The recitals of the said NCR report also shows that as he is addicted to bad vices, not giving anything in the house and to maintain the children, she has to work and when she use to leave the house for work, he was abusing her and assaulting her. Admittedly, this would cover under the willful conduct on the part of the present applicant.

12. In view of the above facts and circumstances, the *prima facie* case is made out against the present applicant and

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therefore, the application deserves to be rejected. Accordingly, I proceed to pass following order:

ORDER

The application is **rejected**.

(URMILA JOSHI-PHALKE, J)

Sarkate.