



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

CRIMINAL APPLICATION (APL) NO. 1904 OF 2025

APPLICANTS

- :- 1) Shyam s/o Ramlal Patil,
Age 64 years, Occu: Retired, R/o Plot
No. 32, Near Tukdoji Maharaj
Vidyalaya, Pratap Nagar, Wardha.
- 2) Aruna w/o Shyam Patil, Age 60 years,
Occu: Household, R/o Plot No. 32,
Near Tukdoji Maharaj Vidyalaya,
Pratap Nagar, Wardha.
- 3) Sanyukta w/o Sarang Thackeray, Age 32
Years, Occu: Business, R/o Residing at
Khamgaon, District Buldhana.

..VERSUS..

NON-
APPLICANTS

- :- 1) The State of Maharashtra,
through the Police Station Officer,
Tahsil – Butibori, District Nagpur.
- 2) Sau Sakshi w/o Amol Patil, Aged 24
years, Occu: __ R/o Plot No.33,
R.N./C. Zone, Datta Meghe College,
Near New Sai Nagar, Butibori, District
Nagpur Rural.

WITH

CRIMINAL APPLICATION (APL) NO. 1902 OF 2025

APPLICANT

- :- Amol s/o Shyam Patil,
Age 29 years, Occu: Service, R/o Plot
No. 32, near Tukdoji Maharaj
Vidyalaya, Pratap Nagar, Wardha.

..VERSUS..**NON-
APPLICANTS**

- :- 1) The State of Maharashtra,
through the Police Station Officer,
Tahsil – Butibori, District Nagpur.
- 2) Sau Sakshi w/o Amol Patil,
Aged 24 years, Occu: __ R/o Plot
No.33, R.N./C. Zone, Datta Meghe
College, Near New Sai Nagar, Butibori,
District Nagpur Rural.

Ms. Ruperi Meshram, counsel with Mr. A.M.Chandekar, counsel for applicants
Mr. Nikhil Joshi, APP for non-applicant/State.

CORAM : URMILA JOSHI PHALKE, J.

DATE : 06/03/2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Heard finally by consent of learned counsel appearing for the parties.
3. Both these applications are preferred by the husband and the in-laws for quashing of the FIR registered at Police Station Butibori, District Nagpur Rural, in connection with Crime No. 1/2023 for the offence punishable under Sections 498(A), 323 and 504 read with Section 34 of the Indian Penal Code, 1860, and consequent proceedings arising out of the same, bearing Charge-sheet No. 42/2023.
4. The crime is registered on the basis of a report lodged by non-applicant No.2 alleging that her marriage with the applicant in Criminal Application No. 1902/2025, namely Amol Shyam Patil, was performed

on 04/05/2022. After the marriage, she resumed cohabitation. However, within eight to ten days of the marriage, she was allegedly subjected to physical as well as mental cruelty by all the applicants, and a demand was made for money for starting a shop.

5. It is further alleged that she was sent on her parental house on 29/5/2022 and when she again resumed the cohabitation, she was subjected to similar ill-treatment at the hands of the present applicants. Therefore, she constrained to leave the matrimonial house. On the basis of the said report, police have registered the crime against the present applicants.

6. Heard learned counsel for the applicants, who submitted that as far as the allegations against all the applicants are concerned, which are general, omnibus and vague in nature. No specific instances are narrated in the FIR. The entire charge-sheet shows that the Investigating Officer has recorded statements of witnesses which are stereotyped in nature. Considering the requirement under Section 498-A of the IPC, there is no willful conduct narrated by the non-applicant No.2 against the present applicants. Thus, by no stretch of imagination it can be said that the offence under Section 498-A of the IPC is made out against the present applicants. In view of that, it is submitted that both the applications deserves to be allowed.

7. Per contra, learned APP strongly opposed the said contention and submitted that specific allegations have been levelled against husband as well as in-laws in the FIR, and the same are reiterated by other witnesses also. Thus, prima-facie case is made out, in view of that, application deserves to be rejected

8. On hearing both sides and on perusal of the entire investigation papers, it reveals that, as per the allegations, the ill-treatment

was started after eight to ten days of the marriage. The FIR is lodged on 01/01/2023, prior to that, there was no previous complaint by the non-applicant No.2 as to the ill-treatment at the hands of the present applicants. Moreover, no specific instances are narrated by the non-applicant No.2.

9. It is now well settled by the catena of decisions that a mere reference to the names of the family members in a criminal case arising out of the matrimonial dispute, without specific allegations indicating their active involvement, should be nipped in the bud. It is well recognized fact born out of judicial experience, that there is often tendency to implicate all the members of the husband's family when domestic disputes arise out of matrimonial dispute.

10. To attract the offence punishable under Section 498-A of IPC, the requirement is that there has to be some willful conduct on the part of the present applicants. The explanation under Section 498-A of the IPC defines "cruelty" for the purpose of Section 498-A of the IPC. Explanation (a) to Section 498-A of the IPC states that "cruelty" means any willful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause (b) of Explanation of Section 498-A of IPC states that cruelty would also include harassment of the woman where such harassment is to coerce her or any person related to her to meet any unlawful demand for any property or valuable security.

11. In the present case, both these ingredients are absent. Considering the omnibus and sweeping allegations levelled against all the applicants, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application (APL) No. 1902 of 2025 and Criminal Application (APL) No. 1904 of 2025 are **allowed**.
- b] The FIR in connection with Crime No. 01/2023 registered at Police Station Butibori, District Nagpur Rural, for the offence punishable under Section 498(A), 323, 504 read with Section 34 of the Indian Penal Code, 1860, and consequent proceedings arising out of the same bearing Charge-sheet No. 42/2023, are hereby quashed and set aside to the extent of the present applicants.
12. The criminal applications are **disposed of**.

(URMILA JOSHI PHALKE, J.)