



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

CRIMINAL APPLICATION (APL) NO.504 OF 2023

APPLICANTS

- :- 1) Prashant Ganesh Janjal,
Age 33 years, Occu: Service.
- 2) Sau. Pooja Prashant Janjal,
Age 32 years, Occu: Service,
R/o Plot No. 197, Avenue 12, Phase 2,
Dandamudi Enclave Koripally
Hyderabad-50067.

..VERSUS..

NON-
APPLICANTS

- :- 1) State of Maharashtra,
through P.S.O. Civil Lines, Akola, Tq.
District Akola.
- 2) Sau. Pradnya Gaurav Janjal,
Age-29 years, Occu: Service, R/o c/o
Siddharth Abhiman Chakranarayan,
Matrutirth Apartment, Flat No. 1023,
backside of Jubilee Convent,
New Tapadiya Nagar, Akola, Tq. Dist.
Akola.

Mr. D.S. Patil, counsel for applicants.
Mr. A.M. Kadukar, APP for non-applicant/State.

CORAM : URMILA JOSHI PHALKE, J.

DATE : 06/03/2026

ORAL JUDGMENT :

CRIMINAL APPLICATION (APPP) NO. 50/2026

1. Heard.
2. Learned counsel for the applicants submitted that as the amendment was not carried out and therefore, application was dismissed for want of prosecution. However, the amendment had already been carried out before passing of the said order. However, due to inadvertence, it was not brought to the notice of this Court and therefore, the application was dismissed.
3. Considering the reasons mentioned in the application, the Criminal Application (APL) No. 504/2023 is restored at its original stage.
4. The criminal application (APPP) No. 50/2026 is **disposed of**.

CRIMINAL APPLICATION (APL) NO. 504 OF 2023

1. Heard.
2. **ADMIT.** Heard finally with the consent of learned counsel appearing for the parties.
3. The present application is filed by the applicants, who are brother and wife of the brother of the husband of the non-applicant No.2, for quashing and setting aside the FIR in connection with Crime No. 24 of 2023 registered with non-applicant No.1/Police Station Civil Lines, Akola, for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860, and consequent proceedings arising out of the same, bearing Regular Criminal Case No. 427 of 2023.
4. The crime is registered on the basis of a report lodged by non-applicant No.2 on an allegation that her marriage was performed

with the co-accused Gaurav Ganesh Jangal. After marriage, she resumed cohabitation but she was not treated well and, for one or the other reason she was physically as well as mentally tortured by her husband. It is alleged by her that, her husband has demanded Rs. 1.5 Lakh from her for purchasing some articles. The said amount was paid by her father, but there was no change in his behavior. It is also alleged that he gave her certain pills for aborting the child. Thus, according to her, she has physically and mentally harassed by the other co-accused as well as present applicants. On the basis of the said report, the police have registered the crime against the present applicants.

5. During the course of investigation, the Investigating Officer has recorded relevant statements of the witnesses and after completion of the investigation, submitted charge-sheet against the accused.

6. Despite service of notice, none appeared for the non-applicant No.2.

7. Heard learned counsel for the applicants, who submitted that, on considering the entire recitals of the FIR, except general, omnibus and vague statements that present applicants were also harassing her by threatening her father and by saying that her father has not given any *Sanskars* to her, she was ill-treated. Thus, he submitted that even accepting the allegation as it is, no offence is made out against the present applicants as there are no physical and mental torture by the present applicants as there is no physical or mental torture by the present applicants. There is no willful conduct on their part, which is the first and foremost requirement to attract the Section 498-A of the IPC. Thus, he submitted that no prima-facie case is made out against the present applicants and therefore, the application deserves to be allowed.

8. Per contra, learned APP strongly opposed the said contention

and submitted that present applicants are the brother-in-law and the wife of the brother-in-law of the husband of non-applicant No. 2, and were residing in the same house. Since allegations have been made against them, the application deserves to be rejected.

9. On hearing both sides and on perusal of the entire investigation papers, as far as the present applicants are concerned, who are the brother-in-law and wife of the brother-in-law of the non-applicant No.2. Against whom, general, omnibus and vague allegations are levelled against them. No specific instances are narrated as far as the role of the present applicants is concerned.

10. This aspect is squarely applicable in the case of *Preeti Gupta Vs State of Jharkhand, (2010) 7 SCC 667*, wherein the Hon'ble Apex Court observed in paragraph Nos. 30, 32 and 34 as under :-

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is repeatedly increasing in our country. All the Courts in our country including this Court are flooded with the matrimonial cases. This really demonstrates discontent and unrest in the family life of a large number of people in the society.

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32. It is the 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 came across a large number of such complaints which are not even bona fide and as filed with oblique motive. At the same time rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

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34. Unfortunately, at the time of filing of complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to unsurmountable, harassment, agony and pain to the complainant, accused and his close relations.”

11. In the light of the observations of the Hon'ble Apex Court and considering the facts and circumstances of the present case, admittedly no specific instances are narrated by the non-applicant No.2 as far as the ill-treatment at the hands of the present applicants is concerned. It is now well settled that mere reference of the name, without assigning any specific role or narrating specific instances, would not be sufficient to attract the offence punishable under Section 498-A of the Indian Penal Code, 1860. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
 - b] The FIR in connection with Crime No. 24 of 2023 registered with non-applicant No.1/Police Station, Civil Lines, Akola, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, and consequent proceedings arising out of the same bearing Regular Criminal Case No. 427 of 2023 pending before the learned Joint Judicial Magistrate First Class, Akola, are hereby quashed and set aside to the extent of the present applicants only.
12. The criminal application is **disposed of**.

(URMILA JOSHI PHALKE, J.)