



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

CRIMINAL APPLICATION (APL) NO. 96 OF 2026

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| <ol style="list-style-type: none">1. Nitin Dinkar Kharche,
Aged about-52,
Occ-Farmer, Resident of Chikhali
Khurd, Tahsil Khamgaon, District
Buldhana,2. Dinkar S/o Late Sakharam Kharche,
Aged about 78, Occ-Retired, r/o.
Chikhali Khurd. Khamgaon, Tahsil
District Buldhana3. Sau. Indu Bai W/o Dinkar Kharche,
Aged about 71 years, Oce-Farmer,
Resident of -Chikhali Khurd, Tahsil
Khamgaon, District Buldhana4. Prashant S/o Dinkar Kharche, Aged
about 46 years, Occ-Farmer,5. Snehal Prashant Kharche, Aged
about 42 years, Household,
Both 4 & 5 Resident of Plot No.14,
Padmalya Society, Sus Road, Pashan
Pune-4110216. Sujata Prafulla Naphade, Aged
about -49 years, Occ. Household,
Resident of Plot No.12 Padmalya
Society, Sus Road, Pashan Pune-
411021 | <p><u>APPLICANTS</u></p> |
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//VERSUS//

1. State of Maharashtra, Through
Police Station Officer, Khadan,
District Akola.
2. Shweta W/o Nitin Kharche, Aged
about 44 years, Occupation
Household, Resident of Adarsh
Colony, Ghoddod Road, Gorakshan
Road, Akola.

NON-APPLICANTS

Ms S.H. Bhatia, Advocate for the applicants.
Mr. K.R. Lule, APP for non-applicant No.1/State.
Mr. R.M. Tahaliyani, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 09.04.2026

ORAL JUDGMENT :

1. Heard.
2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.
3. The present application is preferred by the applicants for quashing of the First Information Report in connection with crime No.797/2025 registered at Police Station Khadan District Akola for the offences punishable under Sections 498-A, 504 and 506 read with 34 of the Indian Penal Code (for short, 'IPC').
4. The crime is registered on the basis of the report lodged by the non-applicant No.2 on an allegation that her marriage with applicant No.1 was performed on 16.12.2000. After marriage she resumed the cohabitation at the house of present applicants but the present applicants demanding money

from her and for the fulfilment of the said demand not only physically and mentally harassing her but also torturing and assaulting her. She alleged that applicant No.1 was addicted to bad vices like drinking liquor and under the influence of liquor he used to demand money from her and physically assaulting her. Due to which she constrained to leave to matrimonial house. On 29.02.2025 when she was at the bus stop, her son was threatening by the applicant No.1 for withdrawing the complaint. On the basis of the said report, police have registered crime against the present applicants.

5. Heard learned counsel for the applicants who submitted that merely on the basis of the general, omnibus and sweeping allegations the applicants are arrayed as an accused. She submitted that as the matrimonial disputes arose between husband and wife after the birth of the child this FIR came to be lodged after 25 years of the said marriage. She submitted that except the reference of the name admittedly there is no allegation specifying the role of the applicants. Thus, considering that the entire FIR is based on omnibus allegations, the application deserves to be allowed.

6. Per contra, learned APP and learned counsel for the non-applicant No.2 strongly opposed the said contention and submitted that considering the allegations levelled against the present applicants, which are in the nature that she was not only mentally and physically harassed her but there was an unlawful demand and for the fulfilment of the said unlawful demand she was physically and mentally tortured, is sufficiently attract the offence punishable under Section 498A of the IPC. In view of that application deserves to be rejected.

7. After hearing both the sides and on perusal of the recitals of the FIR it reveals that the marriage of the present applicant No.1 and non-applicant No.2 was performed on 16.12.2000. They were blessed with one son also. As per the allegations since the date of the marriage she was ill treated by all the applicants for unlawful demand as well as applicant No.1 was physically as well as mentally torturing her by assaulting her and she was also threatened by the applicant No.1 for withdrawing the said complaint. Though the investigation is not completed and charge-sheet is not filed, whatever investigation is

carried out which was perused by me. It reveals that during investigation various statements of the witnesses are recorded. The major allegation is levelled against the husband who was addicted to bad vices like drinking liquor and under the influence of liquor he used to physically and tortured the non-applicant No.2. As far as the other applicants are concerned, merely because they are the relatives of applicant No.1 appear to be implicated in the alleged offence.

8. Section 498A deals with Husband or relative of husband of a woman subjecting her to cruelty.—

The explanation given under Section 498-A for which “cruelty” means (a) any wilful 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

(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. There is no doubt that the object of introducing

Chapter XX-A containing Section 498-A in the Indian Penal Code was to prevent the torture to a woman by her husband or by relatives of her husband. Section 498-A 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 dowry. In any event the wilful act or conduct ought to be the proximate cause in order to bring home the charge against the present applicants.

9. In the light of the requirement as given under Section 498-A of the IPC, if the allegations are taken into consideration admittedly general vague and omnibus allegations are levelled against the applicant Nos. 2 to 6. Mere reference of their name is not sufficient to attract the offence in absence of any specific instances narrated by non-applicant No.2 at the instance of the present applicant Nos. 2 to 6. Hence, the application deserves to be allowed partly.

10. In view of that I proceed to pass following the order:-

ORDER

- (i) The Criminal Application is allowed partly.

(ii) The First Information Report in connection with crime No.797/2025 registered at Police Station Khadan District Akola for the offences punishable under Sections 498-A, 504 and 506 read with 34 of the Indian Penal Code is hereby quashed and set aside to the extent of applicant Nos.2 to 6.

(iii) The prayer of applicant No.1 for quashing of the FIR is hereby rejected.

(URMILA JOSHI PHALKE, J.)

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