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

CRIMINAL APPLICATION (APL) NO.1980 OF 2025

- 1) Ananta s/o Samadhan Tayade, **(Husband)**
Age- 30 years, Occupation - Service,
- 2) Parvatabai w/d Samadhan Tayade, **(Mother-in-law)**
Aged about- 55 years,
Occupation -Homemaker,

Both permanent R/o Samta Colony,
Khamgaon, District Buldana.
Presently R/o Nimbeshwar Bhumi,
Usali Road, Vichumbe,
New Panwel - 410206.
- 3) Sau. Manda w/o Subhash Wawge, **(Sister-in-law)**
Age-38 years, Occupation - Service,
- 4) Subhash s/o Maroti Wawge, **(Brother-in-law)**
Age-40, Occupation - Service,
Both no.3 & 4 R/o BahekarNagar,
Nandura, Tahsil Nandura,
District Buldana.
- 5) Sau. Ketki w/o Pravin Chopade, **(Sister-in-law)**
Age-36 years, Occupation - Service.
- 6) Pravin s/o Dnyaneshwar Chopade, **(Brother-in Law)**
Age-40 years, Occupation - Service.

Both no.5 & 6 R/o Shivaji Putla,
Malibhawan, Nandura,
District Buldana. At Present
R/o Shashkiya Tantra Niketan,
Jalna, Tahsil & District Jalna.
- 7) Sau. Seema w/o Amol Yenkar, **(Sister-in-Law)**
Age-34 years, Occupation - Service,
- 8) Amol s/o Rajaramji Yenkar, **(Brother-In Law)**
Age-38 years, Occupation – Service.

Both Nos. 7 & 8 R/o Jilha Parishad

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Pirkalyan, Bhokardan Road,
Jalna, Tahsil and District - Jalna.

- 9) Sau, Shubhangi W/o Rupesh Wankhade, **(Sister-in-Law)**
Age-32 years, Occupation - Service,
- 10) Rupesh s/o Shrikrushna Wankhade, **(Brother-in-Law)**
Age-36 Years, Occupation - Service.

Both Nos. 9 and 10
R/o Shaskiya Tantra Niketan,
Chhatrapati Sambhaji Nagar,
(Aurangabad).

.... APPLICANTS

// VERSUS //

- 1) State of Maharashtra Through
Police Station Officer,
Police Station, Jalgaon (Jamod),
District Buldhana.
- 2) Sau. Neha w/o Ananta Tayade,
Age-24 Years,
Occupation - Household work,
C/o Sudhakar Haribhau Wankhade,
At present R/o Deshmukh Colony,
Jalgao (Jamod),
Tahsil - Jalgaon, District - Buldana. **....NON-APPLICANTS**

Mr. V. T. Suryawanshi, Advocate for applicants.

Mr. A. M. Joshi, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/03/2026

ORAL JUDGMENT :

1. Heard.
2. **Admit.**
3. Heard finally with the consent of the learned Counsel
for the applicants and learned APP for the State.

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4. Despite the service of notice, none appears for the non-applicant No.2.

5. The applicants who are husband and in-laws of the non-applicant No.2 are arraigned as an accused in connection with Crime No. 557/2025 registered with Police Station Jalgaon (Jamod), District Buldhana for the offence punishable under Sections 85, 296, 115(2), 351(3), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

6. The crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that her marriage was performed with the applicant No.2 on 23.11.2024. The applicant No.2 is her mother-in-law and applicant Nos.3, 5, 7 and 9 are the sister-in-law, whereas the applicant Nos.4, 6, 8 and 10 are the brother-in-law. As per her allegations, all the marriage expenses are incurred by her parents, but as soon as she came home after the marriage, the ill-treatment was started to her at the hands of the present applicants, as all the applicants were taunting her for not giving respect in the marriage as well as for not giving good quality articles in the marriage. She was also taunted as she was not cooking the food well. It is alleged by her that on various occasions, on the instigation of the other applicants, the applicant No.1 has abused her as well as physically and mentally tortured her, and demanded amount

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from her for the purchase of a flat in Mumbai. She was threatened that if she fails to bring the amount, he would give her divorce. She has specifically stated that on 31.03.2025 when she had been to her matrimonial house at her native place, she was abused and detained in one room. On the basis of the said report, police have registered the crime against the present applicants.

7. Heard learned counsel Mr. Suryawanshi for the applicants, who submitted that the story narrated by the non-applicant No.2 itself appears to be improbable and unacceptable. It is unacceptable that on the day of the marriage itself, when she came to matrimonial house she was ill-treated, it is a well drafted complaint only to implicate the present applicants in the false offence. He submitted that no specific instances are narrated as far as the ill-treatment is concerned. It was the non-applicant No.2, who was not willing to cohabit with the present applicant No.1 and therefore, this false FIR is lodged against all the applicants. He submitted that even accepting the allegation as it is, by no stretch of imagination it can be said that offence is made out against the present applicants. As there is no wilful conduct on the part of the present applicants, which is a necessary ingredient to constitute the offence. In view of that, the application deserves to be allowed.

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8. Per contra, learned APP strongly opposed the said contention and submitted that considering the specific allegations levelled against the present applicants and the specific role attributed to them, the application deserves to be rejected.

9. On hearing both sides and on perusal of the entire recitals of the FIR and the investigation papers, it reveals that as per the allegations it was the applicant No.1 who was abusing the informant and specific instances are narrated against the applicant No.1. It is apparent that the implication of the applicant Nos.2 to 10 is merely because they are the relatives of the husband of the non-applicant No.2. No specific instances are narrated as far as the ill-treatment at their hands are concerned. It is pertinent to note that the applicant Nos.3, 5, 7 and 9 are the sister-in-law who has already married and they are residing at their husband's place respectively. The applicant Nos.4, 6, 8 and 10 are the brother-in-law, they are also residing along with their family at a different place. There is no occasion for them to visit the matrimonial house of the present non-applicant No.2 and ill-treat her. It is further apparent that she was residing at Panwel along with her husband and no other applicants were residing along with her. Thus, it is apparent that as the dispute arose between the husband and wife, this FIR came to be lodged.

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10. To attract the offence punishable under Section 498A and to ascertain whether the non-applicant No.2 has suffered any cruelty at the hands of the present applicants. The explanation to section 498A requires to be considered. For the purpose of Section 498A cruelty means 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; or 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 XXA containing Section 498A in 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 dowry. In any event the wilful act or conduct ought to be the proximate cause in order to bring home the charge under Section 498A of IPC. To have an event sometime back cannot be termed to be a factum taken note of in the matter of a charge under Sections 498A. The legislative intent is clear enough to indicate in particular reference to Explanation (b) that there shall have to be a series

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of acts in order to be a harassment within the meaning of Explanation (b).

11. In the light of the above requirement, if the allegations are taken into considerations admittedly no *prima facie* case is made out as far as the applicant Nos.2 to 10 are concerned, therefore, the application deserves to be allowed partly. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is **allowed partly**.
- (ii) The FIR in connection with Crime No. 557/2025 registered with Police Station Jalgaon (Jamod), District Buldhana for the offence punishable under Sections 85, 296, 115(2), 351(3), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, is hereby quashed and set aside to the extent of the present applicant Nos.2 to 10.
- (iii) The prayer of the applicant No.1 Ananta s/o Samadhan Tayade for quashing of the FIR is hereby rejected.

The application is disposed of.

(URMILA JOSHI-PHALKE, J)