



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

CRIMINAL APPLICATION (APL) NO. 140 OF 2023

1. Pravin S/o Tukaramji Uike Patil,
Aged about 36 yrs., Occ. Service,
2. Rekha W/o Tukaramji Uike Patil,
Aged about 64 yrs., Occ. Household,
3. Tukaram S/o Shivramji Uike,
Aged about 69 yrs., Occ. Nil,

Nos.1 to 3 R/o. House No.2, Goho
Layout, Shindhi Meghe, Wardha.
4. Prabhakar S/o Domaji Uike,
Aged about 47 yrs., Occ: Service as a
Teacher,
R/o Mahada Colony, Shindhi Meghe,
Wardha.
5. Ganesh s/o Devidas Yedme,
Aged about 40 yrs., Occ. Service as a
Teacher,
Plot No. 16, Nanduri Road, Sant
Tukdoji Ward, Shankar Nagar,
Hinganghat, Wardha.

APPLICANTS

Versus

1. The State of Maharashtra,
through Police Station Officer,
Police Station Gadgenagar,
Tq. and District- Amravati.
2. Sau. Priyanka W/o Pravin Uike,
Aged about 32 yrs., Occ. Service,

R/o. Near Charade Mangalkarayala,
Karanja (Ghadge),
Tah. Karanja (Ghadge), Dist.
Wardha, and Walgaon Road, Near
Changapur Railway Crossing,
Ghadge Nagar, Amravati.

NON-APPLICANTS

Mr. R.D. Karode, Advocate for the Applicants.
Mr. A.M. Joshi, APP for the Non-applicant No.1/State.
Mr. A.P. Thakare, Advocate for the Non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 20th JANUARY, 2026.

ORAL JUDGMENT :-

1. Heard.
2. **ADMIT.** Heard finally by the consent of learned Counsel for the respective parties.
3. The present Application is preferred by the Applicants who are the nearest relatives of the husband under Section 482 of the Code of Criminal Procedure for quashing of the First Information Report in connection with Crime No.1447/2022 registered with Police Station Gadge Nagar,

Amravati for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code.

4. Heard learned Counsel for the Applicants who submitted that, the Applicant No.1 is the husband and others are the nearest relatives of the husband. The crime is registered on the basis of a report lodged by the Non-applicant No.2 against the present Applicants on an allegation that her marriage was performed with the Applicant No.1 on 19.05.2019. After marriage she resumed the cohabitation at the house of the present Applicants but she was ill-treated by the present Applicants for various reasons including that she has not begotten a son. She was abused on that count also. It is further alleged that, the Applicant No.1 used to physically assault her on various counts and other Applicants were instigating him. She has further alleged that, all the Applicants were demanding money from her for various reasons and they were interfering in the matrimonial life, and therefore, there used to be quarrels between them. On the basis of the said report Police have registered the crime against the present Applicants.

5. He submitted that, even accepting the allegations as it is no overt act is attributed to any of the Applicants merely because the dispute arose between the husband and wife, the false report is lodged against the present Applicants. He submitted that, in view of the requirement of Section 498-A of IPC, some wilful conduct appears to be there on the part of the present Applicants, which is absent. In view of that, the Application deserves to be allowed.

6. *Per contra*, learned APP strongly opposed the same and submitted that considering the detail statement of the Informant while lodging the FIR, wherein she has narrated the entire incidence, and therefore, specific allegations are levelled against all the present Applicants. In view of that, *prima facie* case is made out against the present Applicants, and therefore, the Application deserves to be rejected.

7. Learned Counsel for the Non-applicant No.2, has endorsed the same contentions and invited my attention towards the statement of the Non-applicant No.2 and submitted that specific instances are also narrated by her, and therefore, the Application deserves to be rejected.

8. On hearing both the sides and on perusal of the entire FIR and the detail recitals of the FIR it reveals that, the marriage between the Non-applicant No.2 and Applicant No.1 was performed on 19.05.2019 and thereafter she begotten one daughter. As far as the husband/Applicant No.1 is concerned, there is specific allegation that he was physically as well as mentally harassing her by beating her but as far as the other Applicants are concerned, admittedly general, omnibus and vague allegations are levelled against them without narrating any specific instances.

9. At this stage, reference can be given to Section 498-A of IPC, which reads as under:

“498A. Husband or relative of husband of a woman subjecting her to cruelty.—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.—For the purpose of this Section, “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; or

(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.”

10. On perusal of the entire allegations, as far as the Applicant Nos. 2 to 5 are concerned, admittedly general, omnibus and vague allegations are levelled against them.

11. The tendency of implicating all the relatives is also commented by the Hon'ble Apex Court in the case of ***Dara Lakshmi Narayana & Ors. Vs. State of Telangana & Ors., MANU/SC/1309/2024***, wherein it is held that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses.

12. It is apparent that, the Applicant Nos. 2 to 5 are implicated merely because they are the relatives of the Applicant No.1. As far as the wilful conduct is concerned, the same requirement is absent. In view of that, the Application

deserves to be allowed partly. Accordingly, I proceed to pass the following order.

ORDER

- i.** Criminal Application is **partly allowed**.
 - ii.** The prayer of the Applicant No.1 for quashing of the FIR, is hereby rejected.
 - iii.** The prayer of Applicant No.2/Rekha W/o Tukaramji Uike Patil, Applicant No.3/Tukaram S/o Shivramji Uike, Applicant, No.4/Prabhakar S/o Domaji Uike and Applicant No.5/Ganesh s/o Devidas Yedme, for quashing of First Information Report in connection with Crime No. 1447/2022 registered with Police Station Gadge Nagar, Amravati for the offence punishable under Sections 498-A read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.
- 13.** Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)