



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

CRIMINAL APPLICATION (APL) NO.1441/2024

1. Nilesh S/o Mukundrao Wasukar,
Aged about 34 years, Occ.: -
Service R/o SRPF, Courtiers, Amravati.
 2. Mukundrao S/o Hiraman Wasukar,
Aged about 64 years, Occ.: - Labour
 3. Sau. Mahananda W/o Mukundrao Wasukar,
Aged about 50 years, Occ.: - Household
 4. Nikesh S/o Mukundrao Wasukar,
Aged about 32 years, Occ.: - Service
- Applicants No.2 to 4 R/o Mu. Lontek Post,
Kawatha Bahade, Lontek Kawatha,
Amravati-444602.
5. Vilas S/o Purushottam Navale,
Aged about 41 years, Occ.: Business,
 6. Sau. Shalu W/o Vilas Navale,
Aged about major, Occ.: Household,
Applicant No. 5 & 6 R/o Ward No. 2,
Nimbhi, Amravati.
 7. Mahadeo S/o Ashok Tayade,
Aged about 40 years, Occ.: Business,
 8. Sau. Nalu W/o Mahadeo Tayade,
Aged about 37 years, Occ.: Household,
Applicant No. 7 & 8 R/o Ward No. 3,
Salora Bk, Shendola Bk, Amravati

... APPLICANTS

...VERSUS...

1. The State of Maharashtra
through Police Officer,
Police Station Ner Parsopant,
Dist. Yavatmal.
2. Sau. Arti W/o Nilesh Wasukar,
Aged about 30 years, Occ. Household,
R/o Laxmi Nagar, Ner Parsopant,
Dist. Yavatmal.

...NON-APPLICANTS

Shri A.P. Thakare, Advocate for applicant
Ms Deepa I. Charlewar, APP for non-applicant No.1/State

CORAM : PRAVIN S. PATIL, J.

DATED : 21.01.2026

ORAL JUDGMENT

. Heard. By consent of the parties, this matter is taken
for final disposal.

2. The perusal of the record shows that non-applicant
No.2 is duly served long back, but no one has put appearance on
behalf of non-applicant No.2 in the matter.

3. The applicants herein are the husband, father-in-law,
mother-in-law, brother-in-law, sister-in-law of the non-applicant

No.2. They came with a case before this Court that the First Information Report and the complaint, which was lodged by non-applicant No.2, even if, taken it at its face value and accepted in its entirety, do not *prima facie* constitute any offence or make out a case against the present applicants under Section 498-A of the Indian Penal Code. Hence, they seek indulgence of this Court in the matter.

4. It is the case of the prosecution in the present matter is that non-applicant No.2 has performed the marriage with applicant No.1 on 27.02.2021. The applicant No.1 is in service at SRPF, Nagpur, as a Constable. Out of the said wedlock, they were blessed with a girl child on 27.02.2024. The main allegations of the non-applicant No.2 is that on 12.03.2024, when she went to the quarter at Amravati, at that time, she saw a marriage certificate of her husband with one Kumud Falke. Accordingly, she got knowledge of marriage of the applicant No.1 during the subsistence of her marriage with the applicant No.1. The other allegations which are made in the complaint about the mental and physical harassment at the instance of applicant and the instigation by the applicant Nos.2

to 8. On the basis of this complaint, the offence came to be registered against the present applicants under Sections 506, 504, 498A of the Indian Penal Code.

5. The submission of the present applicants is that the allegations made in the complaint by the non-applicant No.2 are of general, vague and omnibus in nature. There is no specific date, time and manner in which the harassment is caused is not described in the complaint. Therefore, *prima facie*, the offence under Section 498-A is not made out in the matter.

6. In respect of the allegations of performing the marriage by applicant with one Sou Kumud Falke, it is the submission of the present applicant that if this allegation is accepted, then at the most, offence under Section 494 of the Indian Penal Code can be registered against the present applicant. However, the said offence being a non-cognizable offence, the applicant has intentionally lodged this complaint only to implicate the applicant and his family members in the criminal offence and to prosecute them under this offence. As such, the complaint lodged by them is with an oblique

motive and hence, indulgence of this Court is necessary in the matter.

7. Learned APP has strongly opposed the present application. According to learned APP, there are specific allegations that under the influence of intoxication, applicants used to give ill-treatment to the non-applicant No.2 mentally as well as physically. So also, specific allegations are made against the applicant Nos.2 to 8 that they used to instigate the non-applicant No.1 against her. In view of this specific allegations, the offence is made out against the applicants in the matter.

8. In the light of submissions made by the learned Counsel for both sides before this Court, it would be relevant to consider Section 498-A of IPC. The bare perusal of this provision shows that vide its Explanation cruelty means any willful conduct which is of such a nature as is likely to drive a woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of a woman. As per Explanation (b) harassment is done with a view 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. As such, while deciding these allegations, this Court has to first look into whether the cruelty which is allegedly falls in the explanation provided under Section 498-A of IPC.

9. It is also pertinent to note that the Hon'ble Supreme Court of India and this Court has experienced that there is a tendency of implicating the husband and his relatives in the criminal offence on vague and omnibus allegations. Therefore, this Court is required to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases.

10. To attract the offence, it is necessary that the allegations levelled against the Applicant should be concrete and precise. If it is found that the allegations are made without providing any specific details or describing any particular instance of harassment, in such cases, where Informant did not mention date, time and place or manner in which the alleged harassment is occurred, the Court should be slow while holding that offence is

made out against the applicants.

11. It is also held by the Hon'ble Supreme Court in the catena of cases that mere trivial irritations, quarrels between spouses which happen in day- to-day married life not to be considered as cruelty. The foundation of a sound marriage is tolerance, adjustment and respecting each other. Therefore, petty quibbles, trifling differences are general and should not be exaggerated and blown out of proportion to destroy the marriage.

12. In support of this submission, it will be relevant to rely upon the Judgments of the Hon'ble Supreme Court of India in the cases of - (i) *Dara Lakshmi Narayana & Others V/s State of Telangana & Another, 2025(3) SCC 735*; (ii) *Preeti Gupta and Another V/s State of Jharkhand and Another, (2010) 7 Supreme Court Cases 667*; and (iii) *Achin Gupta V/s State of Haryana and Another, AIR 2024 SC 2548*.

13. In light of above said legal position, I have perused the entire record. In addition to this First Information Report, the

applicant has pointed out that one of the complaint lodged by non-applicant No.2 to the concerned office of SRPF dated 12.03.2024. From perusal of this complaint, it is seen that the complainant was knowing the fact that applicant No.1 had performed the marriage with one Kumud Falke, since March 2024, but with mutual understanding, their marital relations were continued. At that juncture, except complaint to employer of applicant No.1, no criminal action was initiated by non-applicant No.2.

14. It is also pointed out that on the basis of the complaint lodged by non-applicant No.2, a preliminary inquiry was made in the matter and she was specifically asked as to whether the applicant husband was/is giving her ill-treatment or what. The non-applicant No.2 answered that she is treating properly by applicant No.1. As such, from this document, which was very much known and available with the non-applicant No.2 at the time of lodging complaint was not disclosed to the police machinery.

15. It is a well-settled position of law as stated above that to attract the offence under Section 498-A of the Indian Penal Code, there should be specific allegation of cruelty and because of such

cruelty should be of such a nature that the complainant was likely to drive the human to commit suicide or to cause grave injury or danger to her life. So also, the harassment should be with a certain objective, but perusal of the entire report and the documents placed on record nowhere satisfy the ingredient of Section 498A of the Indian Penal Code in the matter.

16. In view of this, it will be relevant to refer the judgment of the Hon'ble Supreme Court in the case of *Dara Laxshmi Narayana and ors. Vs. State of Telangana and ors., reported in 2025 (3) 735*, wherein the Hon'ble Supreme Court observed in paragraph No. 30 as under:

“30. The inclusion of Section 498A of the Indian Penal Code by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498A of the Indian Penal Code as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalised allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use

of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498A of the Indian Penal Code against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against prosecuting the husband and his family in the absence of a clear prima facie case against them.”

17. In light of the factual as well as the legal position, I am satisfied that the offence under Sections 498A, 504 and 506 of the Indian Penal Code is not made out against the present applicants. All the allegations leveled against the applicants are vague and omnibus in nature. Therefore, it is a fit case of indulgence in this matter. Continuing the criminal proceedings against the applicants would nothing but abuse of process of law. Therefore, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The proceedings bearing First Information Report No.0403/2024 dated 11.06.2024 registered with Police Station Ner Parsopant, District Yavatmal, for the offences punishable under Section 498-A, 504 and 503 of the Indian Penal Code is hereby quashed and set aside against the present applicants.

18. The application stands disposed of. No order as to the costs.

R.S. Sahare

(PRAVIN S. PATIL, J.)