



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (APL) NO. 1349 OF 2024**

1. Vaibhav Gopaldas Mundada
Aged : 31 Years, Occu : Service;
2. Gopaldas Shankarlal Mundada
Aged : 62 Years; Occu : Retired;
3. Usha Gopaldas Mundada
Aged : 61 Years; Occu : Household;

Nos. 1 to 3 R/o Ashirwad Building, Near
Hanuman Temple, old I.U.D.P Colony,
Phase-II, Washim, Tahsil and District
Washim.

4. Aarti Amit Lahoti
Aged : 35 Years; Occu : Household;
5. Amit Anilkumar Lahoti
Aged : 37 Years; Occu : Chartered
Accountant;

Nos.4 and 5 R/o Shivshakti Apartment,
Vasmat Road, Parbhani, Tahsil and District
Parbhani.

... **APPLICANTS**

VERSUS

1. State of Maharashtra
through P. S. O. Police Station, Pulgaon,
Tahsil Deoli, District Wardha.
2. Neha Vaibhav Mundada
Aged : 30 Years; Occu : Service;
C/o Damodhar Panpaliya, R/o Hariram

Nagar, Pulgaon, Tahsil Deoli, District Wardha.

... NON-APPLICANTS

Mr. A. R. Deshpande, Advocate for Applicants.

Mr. S. S. Deshpande, Advocate for Non-applicant No.2.

Ms. S. V. Kolhe, APP for Non-applicant No.1/State.

<u>CORAM</u>	:	PRAVIN S. PATIL, J.
<u>ARGUMENTS HEARD ON</u>	:	FEBRUARY 16, 2026.
<u>PRONOUNCED ON</u>	:	FEBRUARY 20, 2026.

JUDGMENT

. Heard. **Rule.** Rule made returnable forthwith. Heard finally with consent of the learned Counsel for both sides.

2. In the present case at the instance of Non-applicant No.2 offence came to be registered against the Applicants with Police Station, Pulgaon, District Wardha vide First Information Report No. 580/2024 for the offence punishable under Section 498-A read with Section 34 of Indian Penal Code.

3. The present Applicants are Husband, Father-in-law, Mother-in-law, Sister-in-law and Brother-in-law of the Non-applicant No.2.

4. The present matter reflects an unfortunate discord between the Applicants and Non-applicant No.2/wife, both of whom hail from well educated and respectable families, yet have levelled grave, sweeping and

mutually destructive allegation against each other. The seriousness and tenor of the accusations, coupled with their far reaching civil and criminal consequences obliged this Court to proceed with utmost circumspection. It is, therefore, imperative to undertake a careful and meticulous scrutiny of the pleading and material placed on record, and to examine the minute particulars of the case before adjudicating the present Application in accordance with law.

5. In the present case, Applicant No.1 is qualified as B. Tech. MBA. He is in service with Blue Yonder India Pvt. Ltd. Office at Pune since the year 2022. Prior to that, he was in service at TATA Consultancy Services, Pune. The Non-applicant No.2 is also qualified as BE Electronics and was in service at Cognizant Technology Services at the time of marriage. Presently she is in service at TATA Consultancy Services at Pune.

6. The marriage between Applicant No.1 and the Non-applicant No.2 was solemnised on 15/6/2020 at Mangrulpir, District Washim. Due to the surge of pandemic COVID-19 in the year 2020, the Applicant No.1 and Non-applicant No.2 did not shift immediately to Pune and started residing at Washim with the present Applicants.

7. In the year 2021, the Applicant No.1 and Non-applicant No.2 were

shifted at Pune in a rented premises. During their cohabitation at Pune, there was misunderstanding and difference of opinion on many counts and there was a petty quarrels between them. On 15/1/2024 parents of the Applicant No.1 had been to Pune in rented flat of Applicant No.1 for courtesy visit. The parents noticed that there was no cordial relation between the Applicant No.1 and Non-applicant No.2. Hence, the mediator of the marriage namely Pravin Kasat was asked to interfere and settle the dispute. As such, in order to resolve the discord, a meeting was called in the house of Pravin Kasat, and accordingly, Applicant No.1 and Non-applicant No.2 were counselled and advised to set aside trivial difference amicably, and take sincere efforts to cohabit harmoniously and lead a peaceful matrimonial life. However, for some period after meeting of the elders, the relation between Applicant No.1 and Non-applicant No.2 was cordial, but again both have started quarrelling on various issues and could not lead a peaceful matrimonial life.

8. The Applicant No.1, therefore, initially lodged the report at Police Station, Hinjewadi, Pune on 20/2/2024 alleging that he has been abused by the Non-applicant No.2 and there is likelihood of lodging false complaint by the Non-applicant No.2 against him and left the rented house and started residing in the flat of his friend. On the basis of said report, NCR was

registered at Hinjewadi Police Station. The Applicant No.1 was referred for medical examination at Government Hospital. The Medical Officer of Government Hospital, Aundh examined the Applicant and found several injuries on the body of Applicant No.1. After this incidence Applicant No.1 returned back to Washim to reside with his parents. The Applicants have placed on record the sufficient material in the nature of chats on Whatsapp on the mobile in the month of February-2024, whereby the Non-applicant No.2 accepted her guilt and apologised the Applicant, for her behaviour with the Applicant No.1.

9. After that, Non-applicant No.2 on 22/2/2024 came to Washim to reside with the Applicants from Pune and started residing with the Applicant No.1's family. At that time she complained that her menstrual period has been missed, and accordingly, she was examined by the Pathologist and found pregnant of one or two weeks. The Applicant No.1, who has already lodged police complaint and decided not to reside with the Non-applicant No.2, arranged the meeting along with family members of both Applicant No.1 and Non-applicant No.2 and clarified about their matrimonial discord. The Applicant No.1 and his family members clarified that, now cohabitation is not possible and it will be better to get separated from each other.

10. In the background of this factual position, the Applicant No.1 has filed Divorce Petition on 15/4/2024 and narrated the facts as stated above. In the said proceeding he has also moved the application for temporary injunction so as to restrain the Non-applicant No.2 to reside in the house of Applicant No.1. The Applicants expressed their apprehension of lodging false police report of termination of pregnancy or any other similar complaint against them by the Non-applicant No.2. When the notice of divorce petition was attempted to serve on the Non-applicant No.2, she refused to accept the same. At that time, the Applicant No.1 again approached to the Police Station, Washim on 17/4/2024 and narrated the apprehension as to how the Applicant No.1 and his family can entangle in false matrimonial offences.

11. It is pertinent to note that after filing of Divorce Petition, one meeting was again arranged between the elder members of the family at Washim on 13/5/2024 for settlement of terms for mutual divorce. On behalf of Non-applicant No.2 her Counsel and relative namely, Pravin Kasat was present in the said meeting. In the said meeting it was decided for mutual divorce on the terms that Applicants are ready to pay the amount of Rs.30,00,000/- as compensation along with ornaments which were already taken by her, in addition to that, two wheeler vehicle Jupiter etc.. however, the

expectation of the Non-applicant No.2 was around Rs.80,00,000/- to 1.00 Crore. Hence, the talks between two family members were not succeeded.

12. On next day on 14/5/2024 the elder members of the family of Non-applicant No.2 and the family members of the Applicant No.1 enhanced the amount of one time settlement upto Rs.35,00,000/-. On this amount, there was a mutual agreement between the parties. So also as the Non-applicant No.2 was not interested to continue the pregnancy, she stated that she will terminate the pregnancy.

13. It is further pertinent to note that there was an agreement of mutual divorce on 15/5/2024, and accordingly, the decision was taken by the Applicant No.1 and Non-applicant No.2 to get separated from each other. On 20/5/2024 the Non-applicant No.2 went to the Hospital of Gynaecologist Dr. Shubhada Jajoo and Applicant No.1 was called for giving consent for termination of pregnancy. The Applicant No. 1 along with his cousin had been to the Hospital of Dr. Jajoo at Wardha. After giving consent by the Applicant No.1 and Non-applicant No.2 in her handwriting, pregnancy was terminated.

14. In the background of abovesaid factual position, on 1/7/2024 the Non-applicant No.2 lodged police complaint against the Applicant No.1 by

making allegations that during her cohabitation with the Applicant No.1 and with his family members she was not given proper treatment and was mentally, financially and physically harassed by the present Applicants. It is alleged that Applicant No.2 used to instigate her husband against the Non-applicant No.2. She has further alleged that by putting pressure she was asked to terminate the pregnancy and one hidden camera was installed in her room by the Applicants. As such, in this background when she received the court notice on 16/4/2024 she constrained to file the police complaint against the present Applicants. On the basis of this complaint, an offence came to be registered against the present Applicants in the matter.

15. In the background of this factual position, firstly it will be relevant to refer the Judgment of the Hon'ble Supreme Court of India in the case of ***Dara Lakshmi Narayana & Others V/s State of Telangana & Another, 2025(3) SCC 735***, wherein the Hon'ble Supreme Court in paragraph Nos.16 and 30 has observed as under :

“16. An offence is punishable under Section 498-A IPC when a husband or his relative subjects a woman to cruelty, which may result in imprisonment for a term extending up to three years and a fine. The Explanation under section 498-A IPC defines “cruelty” for the purpose of Section 498-A IPC to mean any of the acts mentioned in clauses (a) or (b). The first limb of clause (a) of the Explanation to Section 498-A IPC,

states that “cruelty” means any wilful conduct that is of such a nature as is likely to drive the woman to commit suicide. The second limb of clause (a) of the Explanation to Section 498-A IPC states that cruelty means any wilful conduct that is of such a nature as to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman. Further, clause (b) of the Explanation to Section 498-A IPC states that cruelty would also include harassment of the woman where such harassment is any person related to her to meet such demand.

30. *The inclusion of Section 498-A IPC 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 of misuse of provisions like Section 498-A IPC 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 scrutinised, 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 498-A IPC 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 absence of a clear prima facie case against them.”*

The Hon’ble Supreme Court of India in the case of ***Achin Gupta V/s State of Haryana and Another, (2025) 3 Supreme Court Cases 756***, has observed as under :

“ *There is phenomenal increase in matrimonial disputes in recent*

years. The institution of marriage is greatly revered in this country. Section 498-A IPC was introduced with avowed object to combat the menace of harassment to a woman at the hands of her husband and his relatives. The fact that Section 498-A IPC is a cognizable and non-bailable offence has lent it dubious place or pride amongst the provisions that are used as weapons rather than shield by disgruntled wives. The simplest way to harass is to get the husband and his relatives arrested under this provision.

If the wife on account of matrimonial disputes decides to harass her husband and his family members then the first thing, she would ensure is to see that proper allegations are levelled in the first information report. Many times the services of professionals are availed for the same and once the complaint is drafted by a legal mind, it would be very difficult thereafter to weed out any loopholes or other deficiencies in the same. However, that does not mean that the Court should shut its eyes and raise its hands in helplessness, saying that whether true or false, there are allegations in the first information report and the chargesheet papers disclose the commission of a cognizable offence.

It will not be enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not as, in frivolous or vexatious proceedings, the court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection, to try and read between the lines.

It must be appreciated that all quarrels must be weighed from that point of view in determining what constitutes cruelty in each particular case always keeping in view the physical and mental conditions of the parties, their character and social status. A very

technical and hypersensitive approach would prove to be disastrous for the very institution of the marriage.

It should be resorted to as a measure of last resort that too in a very genuine case of cruelty and harassment. The police machinery cannot be utilized for the purpose of holding the husband at ransom so that he could be squeezed by the wife at the instigation of her parents or relatives or friends.

The Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly.

The scope of exercise of power under Section 482 of the Code and the categories of cases where the High Court may exercise its power under it relating to cognizable offences to prevent abuse of process of any court or otherwise to secure the ends of justice were set out in some detail by this Court in State of Haryana V/s Bhajan Lal.

The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times, even after the conclusion of criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband's close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different complexion. The allegations of the complaint are required to be scrutinized with great care and circumspection.

It is also a matter of common knowledge that exaggerated versions of the incident are reflected in a large number of complaints. The tendency of over implication is also reflected in a very large number of cases. The criminal trials lead to immense sufferings for all concerned. Even ultimate acquittal in the trial may also not be wipe out the deep scars of suffering of ignominy. Unfortunately a large number of these complaints have not only flooded the courts but also have led to enormous social unrest affecting peace, harmony and happiness of the society. It is high time that the legislature must take into consideration the pragmatic realities and make suitable changes in the existing law. It is imperative for the legislature to take into consideration the informed public opinion and the pragmatic realities in consideration and make necessary changes in the relevant provisions of law.”

It is further pertinent to note that the Hon’ble Supreme Court in the case of ***Preeti Gupta and Another V/s State of Jharkhand and Another (2010) 7 Supreme Court Cases 667*** has observed in paragraph No. 35 as under:

“35. The ultimate object of justice is to find out the truth and punish the guilty and protect the innocent. To find out the truth is a Herculean task in majority of these complaints. The tendency of implicating the husband and all his immediate relations is also not uncommon. At times even after the conclusion of the criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautions in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases. The allegations of harassment of husband’s close relations who had been living in different cities and never visited or rarely visited the place where the complainant resided would have an entirely different

complexion. The allegations of the complainant are required to be scrutinized with great care and circumspection.”

Per contra, learned Counsel for Non-applicant No.2 has relied upon the Judgment of the Hon’ble Supreme Court of India in the case of ***Niharika Infrastructure Private Limited V/s State of Maharashtra and Others (2021) 19 Supreme Court Cases 401***, wherein the Hon’ble Supreme Court has observed in paragraph No.33 as under :

“33. In view of the above and for the reasons stated above, our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or "no coercive steps to be adopted", during the pendency of the quashing petition under Section 482 CrPC and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or "no coercive steps to be adopted" during the investigation or till the final report/charge-sheet is filed under Section 173 CrPC, while dismissing/disposing of/not entertaining/not quashing the criminal a proceedings/complaint/FIR in exercise of powers under Section 482 CrPC and/ or under Article 226 of the Constitution of India, our final conclusions are as under:

33.1. Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence.

33.2. Courts would not thwart any investigation into the cognizable offences.

33.3. It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on.

33.4. The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the “rarest of rare cases” (not to be confused with the formation in the context of death penalty).

33.5. While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint.

33.6. Criminal proceedings ought not to be scuttled at the initial stage.

33.7. Quashing of a complaint/FIR should be an exception rather than an ordinary rule.

33.8. Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere.

33.9. The functions of the judiciary and the police are complementary, not overlapping.

33.10. Save an exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences.

33.11. Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice.

33.12. The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR

does not deserve to be investigated or that it amount to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be considered by the learned Magistrate in accordance with the known procedure.

33.13. The power under Section 482 CrPC is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court.

33.14. However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in R.P. Kapur and Bhajan Lal, has the jurisdiction to quash the FIR/complaint.

33.15. When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 CrPC, only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR.

33.16. The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 CrPC and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/ material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or "no coercive steps to be adopted" and the accused should be relegated to

apply for anticipatory bail under Section 438 CrPC before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or "no coercive steps" either during the investigation or till the investigation is completed and/or till the final report/charge-sheet is filed under Section 173 CrPC, while dismissing/disposing of the quashing petition under Section 482 CrPC and/or under Article 226 of the Constitution of India.

33.17. Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 CrPC and/or under Article 226 of the Constitution of India referred g to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order.

33.18. Whenever an interim order is passed by the High Court of "no coercive steps to be adopted" within the aforesaid parameters, the High Court must clarify what does it mean by "no coercive steps to be adopted" as the term "no coercive steps to be adopted" can be said to be too vague and/or broad which can be misunderstood and/or misapplied."

In the light of this Judgment referred by both the parties, in my opinion, it will be relevant to consider the law laid down by the Hon'ble Supreme Court in the case of ***Pradeep Kumar Kesarwani V/s State of Uttar Pradesh and Another***, 2025 SCC OnLine SC 1947, wherein the Hon'ble

Supreme Court has laid down four steps to determine the veracity of a prayer for quashing of the proceedings, which reads thus :

“20. The following steps should ordinarily determine the veracity of a prayer for quashing, raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.PC. :-

(i) Step one, whether the material relied upon by the accused is sound, reasonable, and indubitable, i.e. the materials is of sterling and impeccable quality ?

(ii) Step two, whether the material relied upon by the accused, would rule out the assertions contained in the charges levelled against the accused, i.e., the material is sufficient to reject and overrule the factual assertions contained in the complaint i.e., the material is such, as would persuade a reasonable person to dismiss and condemn the factual basis of the accusations as false.

(iii) Step three, whether the material relied upon by the accused, has not been refuted by the prosecution/complainant, and/or the material is such, that it cannot be justifiably refuted by the prosecution/complainant ?

(iv) Step four, whether proceeding with the trial would result in an abuse of process of the court, and would not serve the ends of justice ?

If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under Section 482 of the Cr.PC. Such exercise of power, besides doing justice to the accused, would save precious court time, which would otherwise be wasted in holding such a trial (as well as, proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused.”

16. In the light of this legal position, one thing is clear that in matrimonial cases, the Hon'ble Supreme Court as well as this Court has specifically observed that in most of the matrimonial disputes the proceedings are initiated with an oblique or collateral motives. In this background, the Court is not expected to be mute spectator and mechanically accept the averments in the FIR. The Court is duty-bound to examine the attending circumstances and to pierce the veil of the complaint to ascertain whether the criminal process is being deployed as an instrument of coercion or vendetta. It is also clear from the abovesaid Judgments that the criminal justice system cannot be reduced to a forum for settling matrimonial scores on the basis of vague and embellished accusations. The constitutional obligation of the Court is to strike a careful balance between protecting genuine victims and shielding innocent persons from vexatious prosecution.

17. This Court cannot remain oblivious to the disturbing pattern that has emerged in recent times, wherein matrimonial prosecutions are frequently initiated as a pressure tactic during subsistence of marital disputes and negotiations. It is noticed that in several cases educated complainants invoke the penal provisions not merely against the spouse but against the entire family of the husband, including aged parents, married sisters and relatives

residing separately without any proximate or credible allegations of their involvement. Such indiscriminate invocation of the criminal process trivialises the very object of Section 498-A IPC and erodes its moral and legal force, thereby doing disservice to genuine victims of cruelty. As such, allowing such prosecutions to proceed, despite the absence of foundational facts, results in prolonged harassment, social stigma and irreparable prejudice to the persons who are ultimately found to be uninvolved. The inherent powers of this Court are intended to act as a constitutional safety, required to be invoked to avoid the innocent persons from prosecuting in the criminal offence.

18. It is further required to be kept in the back of mind that Section 498-A was inserted in the statute with laudable object for punishment of cruelty at the hands of husband or his relatives against a wife, particularly when such cruelty had potentiality to result in suicide or murder of a woman as mentioned in the Statement of Objects and Reasons of Act 46 of 1983. However, it is a matter of serious concern that large number of cases continue to be filed under Section 498-A of IPC alleging harassment of married women. Most of such complaints are filed in the heat of the moment over trivial issues. Many of such complaints are not *bona fide*. At the time of filing of the complaint, implications and consequences are not visualized. At times such

complaints lead to uncalled for harassment not only to the accused but also the complainant. This Court has to exercise incidental power to quash even a non-compoundable case of private nature, if continuing the proceedings is found to be oppressive.

19. In the light of abovesaid factual and legal position, firstly I have perused the police complaint lodged by the Non-applicant No.2, on the basis of which, offence came to be registered against the Applicants vide FIR No. 580/2024. From the complaint it is seen that the allegations raised by the Non-applicant No.2 are that Applicants used to harass her mentally, financially and physically. They asked her to leave her private job and when she denied to do so, the relative namely Pravin Kasat was called to their house and asked him to take the Non-applicant No.2 to his house for some days. After that, the Applicant No.1 telephonically informed her relative Pravin Kasat that he is willing to take divorce from the Non-applicant No.2. As such, there was a meeting in presence of the elder members of the family and the matter was compromised, and accordingly, the Applicant No.1 and Non-applicant No.2 decided to reside at Pune in a rented premises. Further submission in the First Information Report is that on 15/1/2024 when the father-in-law and sister-in-law were at Pune, they have demanded golden ornaments and money. Then

she alleged that mother-in-law used to instigate her husband against her and due to her instigation, on 16/2/2024 the husband has stated that he do not want to reside with the Non-applicant No.2 and quarreled with her. Then on 20/2/2024 he lodged complaint against her at Police Station, Hinjewadi, Pune. After that, the Applicant No.1 went to Washim. The Non-applicant No.2, on 21/2/2024, went at Washim followed to her husband. At that time, the Applicant No.1 stated that he want to take divorce from her. The Applicant/Husband has asked her to go at Pune, and therefore, she came at Pune.

20. It is further stated that on 3/3/2024 she returned back to Washim. On 6/3/2024 it is revealed that she being pregnant, told the same to the Applicant/husband. However, the Applicants stated that they are not interested to conceive the pregnancy and suggested her to terminate the pregnancy. It is also alleged that on 11/4/2024 she found that one hidden camera was installed in the room at Washim. Lastly, she stated that on 16/4/2024 she received the court notice of divorce proceeding, which she did not sign. It is alleged that the Applicant No.1 stated her if she suffers more stress, then pregnancy, which was at initial stage, will be automatically get terminated. On

the basis of this allegation, offence came to be registered against the Applicant in the matter.

21. The Non-applicant No.2 has strongly defended her complaint by filing her reply to this Application. She has reiterated the allegations which are made in the police complaint and added certain facts in her reply, however, after perusal of the reply, it is clear that most of the submissions made by the Applicant in his Application, particularly, dates and events, are corroborated from the submission/reply made by the Non-applicant No.2. Only the Non-applicant No.2 has stated said events in negative manner. The Non-applicant No.2 made hue and cry on the count of installation of hidden camera in the room. According to her, installation of hidden camera itself is a cruelty, and therefore, investigation is necessary in the matter. However, from the complaint and the admitted facts in the matter, it is clear that since the year 2021 to 2024, the Non-applicant No.2 along with Applicant No.1 went at Pune. They were not residing at Washim. This fact alone take away the effect of hidden camera. Hence, the submission made in this regard by the Non-applicant No.2 cannot be said to be relevant in the present matter.

22. The second submission, which the Non-applicant No.2 made

before this Court is about miscarriage by putting pressure on her. In this regard it will be pertinent to note that the Non-applicant No.2 has not specifically denied the mutual agreement executed on 15/5/2024 between them. It is only stated that she being under immense pressure and confusion, signed the papers. In the said agreement, it was agreed between the parties that after consultation of Doctor, appropriate decision will be taken and the Applicant No.1 will co-operate in the matter. Accordingly, Non-applicant No.2 went at Sushrut Hospital and under the guidance of Dr. Jajoo, she was medically examined and the Applicant No.1 was called to give the consent. The Applicant No.1, accordingly, went there and consented for termination of pregnancy. The said document is placed on record, which is duly signed by both the parties as well as Dr. Jajoo. Hence, the copy of Agreement and Certificate obtained from Doctor, is itself sufficient that there was a mutual Agreement of Divorce and on the basis of the terms of Agreement both the parties acted in the matter.

23. In addition to above, both the parties have placed on record their Whatsapp chats, particularly, between the Applicant No.1 and Non-applicant No.2. The Applicant No.1, by his affidavit dated 4/2/2026, has placed on record the various transcript of file along with certificate issued by the competent person to demonstrate that all these conversations are authentic.

Perusal of this conversation clearly established the fact that Non-applicant No.2 has used unparliamentary language in her messages to the Applicant No.1. So also these messages clarify the fact that their relations were so strained that there was no other way than to separate from each other. As such, the Applicant has taken the decision and filed the divorce proceeding against the present Non-applicant No.2.

24. In the present matter, if the chronological facts are considered, it is clear that when the Applicant No.1 and Non-applicant No.2 were at Pune, there were regular quarrel and dispute between them. As a result, the Applicant No.1, on 20/2/2024, lodged police complaint to the Police Station, Hinjewadi. Same was registered as NCR and the Medical Report enclosed along with the said NCR, clearly shows that in medical examination several injuries were caused on the body of Applicant No.1. It is further seen from the Whatsapp messages that after 16/2/2024 there were continuous messages from Non-applicant No.2 to apologize for the incident which was taken place between them. Thereafter the Applicant has decided to file divorce petition. The same was filed on 15/4/2024. The Applicant along with the divorce petition has also filed application for temporary injunction restraining the Non-applicant No.2 to reside in the house of Applicant as he was apprehending

about lodging false complaint of termination of pregnancy or otherwise by the Non-applicant No.2.

25. It is further pertinent to note that on 17/4/2024 the Applicant No.1 has given the detailed information to the Police Station, Washim and demonstrate his apprehension of lodging false complaint against him and his parents at the instance of Non-applicant No.2. So also it is admitted fact that after filing of the divorce petition there was a meeting between the family members of the Applicant No.1 and Non-applicant No.2 and they have decided to resolve the dispute vide mutual agreement dated 15/5/2024. Furthermore, in pursuance of Agreement, Non-applicant No.2 went to Dr. Jajoo for termination of pregnancy and Applicant has given no objection.

26. Hence, in the light of this factual aspect, the allegations which are made by the Non-applicant No.2 in her police complaint dated 1/7/2024 *prima facie* do not inspire confidence and seems to be made only with an intention to entangle all family members in the criminal offence. Apart from the factual aspect, on bare perusal of this complaint it is clear that no specific allegations are made by the Non-applicant No.2 stating date, time and nature of harassment in the matter. The allegations which are made are of general

and omnibus in nature. The clauses (a) and (b) of Explanation of Section 498-A of IPC clearly contemplate that the acts complained of must be of such gravity as would demonstrate that, on account of physical or mental cruelty, the wife was driven to commit suicide or was subjected to conduct of a similarly grave character. The allegations, therefore, must disclose specific instances of conduct of such intensity and seriousness. In the present case, upon perusal of the complaint, no such specific or grave acts of cruelty are disclosed so as to attract the ingredients of Section 498-A of IPC.

27. Hence, considering the overall factual and legal position of the matter, I am of the considered opinion that as per the law laid down by the Hon'ble Supreme Court of India in the cases of *Preeti Gupta (supra)*, *Achin Gupta (supra)* and *Dara Lakshmi (supra)*, it is clear that it is the case, where the Non-applicant No.2, on the basis of general allegations and by using criminal complaint as a weapon or as a tool of harassment to the present Applicants, has lodged the complaint in the matter.

28. In my opinion, in the present case the Applicants have placed on record sound, reasonable and indubitable material which is relevant and impeccable allegations levelled against them. The material, which is collected

and produced before this Court, in my opinion, is sufficient to reject and overruled the assertions contained in the complaint. Furthermore, the Complainant/prosecution failed to rebut the chronological events pointed out by the Applicants in the matter as well as the documentary evidence produced in support of their submission. Hence, in my opinion, the continuation of trial would amount to abuse of process of Court and indulgence of this Court is necessary in the matter. In the result, I proceed to pass following order.

ORDER

1. Criminal Application is allowed.
2. The First Information Report No. 580/2024 registered with Police Station, Pulgaon, District Wardha for the offence punishable under Section 498-A read with Section 34 of Indian Penal Code is hereby quashed and set aside.
3. Rule is made absolute. No order as to costs.

[PRAVIN S. PATIL, J.]