IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4833 OF 2024

Amrik Singh Saini … Petitioner
Vs.
The State of Maharashtra & Anr. … Respondents

WITH
WRIT PETITION NO.724 OF 2025

Amit Saini … Petitioner
Vs.
The State of Maharashtra & Anr. … Respondents

Mr. Pritish Chatterjee with Mr. Nitish Banka for the Petitioners.
Ms. Supriya Kak APP for the Respondent-State.
Ms. Radhika Mundada for Respondent No.2.
Mr. S. S. Chavan, API,Sinhgad police station.

CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.

DATE : 9TH DECEMBER, 2025

ORDER :(PER SHYAM C. CHANDAK, J)

1) The aforesaid Petitions mounted a challenge to the FIR No.533 of 2024 dated 29/09/2024, registered with Sinhgad Road police station, under Sections 85, 351(2), 115(2), 3(5) and 352 of Bharatiya Nyaya Sanhita, 2023 on the report of Respondent No.2 and seeking quashing and setting aside of the said FIR.

2) Heard Mr.Chatterjee, learned Counsel for the Petitioners,

Ms.Kak learned A.P.P. for the Respondent-State and Ms. Mundada, learned Counsel for Respondent No.2.

3) The prosecution case is that Respondent No.2 got married with Rumit Saini on 20/06/2014. The Petitioner-Amrik Singh is father and Petitioner-Amit is brother of Rumit Saini. After the marriage, Respondent No.2 went to reside with her husband-Rumit Saini and the Petitioners. It is alleged that the Petitioners and her husband induced Respondent No. 2 to hand over her gold and silver ornaments speaking to her in a persuasive manner. Later, when Respondent No. 2 was preparing to travel to Hong Kong with her husband, she asked for her ornaments back. Her husband, however, avoided returning them on the pretext that she could use them after they returned. It is further alleged that her father-in-law used to pollute her husband's mind against her, causing the husband to abuse and physically assault her. When Respondent No. 2 came to know about her husband's extramarital affair and questioned him, he abused and assaulted her. She then approached the Petitioner-father-in-law with her grievance, but her father-in-law responded by alleging that she must be the one harassing her husband and abused her. Further, her father in law stated that no car and dowry was given in the marriage. The Petitioner in Writ Petition No.724 of 2025 who is brother-in-law of Respondent No.2 used to taunt Respondent No.2 by stating that she should tolerate the beating of her

husband. Thus, the husband of Respondent No.2, along with the Petitioners, subjected her to cruelty and misappropriated her ornaments. Therefore, she lodged the report, pursuant to which the police registered the impugned FIR. During the course of investigation, the police recorded the statements of witnesses and, upon completion of the investigation, submitted the charge-sheet.

4) The learned Counsel for the Petitioners submitted that the disputes between Respondent No. 2 and her husband were purely personal. Yet, the Petitioners have been unnecessarily implicated in the crime with an ulterior motive. The allegations against the Petitioners are false. Even if the prosecution case is accepted as it stands, no offence is made out against the Petitioners. Hence, the FIR and the consequent charge-sheet be quashed qua the Petitioners.

5) The learned A.P.P. submitted that the FIR and witness statements disclose sufficiently show that the husband of Respondent No. 2 and the Petitioners subjected her to cruelty and misappropriated her jewellery. It is contended that whether the Petitioners have committed the alleged offences is a question of trial which cannot be adjudicated in the proceedings under Article 226 of the Constitution and under Section 482 of the Code of Criminal Procedure. Hence, there is no merit in the Petitions and deserves to be dismissed.

6) The learned Advocate Ms. Mundada appeared through V.C. and supported the submissions made by learned A.P.P.

7) We have considered these submissions and carefully examined the material on record. In so far as the Petitioners are concerned, only two allegations have been made against them. The first is that when Respondent No. 2 complained to them about her husband's assault upon her questioning his alleged extramarital affair, the Petitioner–father-in-law responded by alleging that she must be harassing her husband and expressed displeasure about not receiving sufficient dowry or a car at the time of marriage. As regards the Petitioner–brother-in-law, it is alleged that he taunted her to tolerate the beating. When these allegations are considered apposite Section 498A of the I.P.C., they do not constitute 'cruelty' as defined in the explanation appended to the provision.

8) In ***Kahkashan Kausar @ Sonam vs. The State of Bihar***[1], the Hon'ble Supreme Court observed that the Apex Court has at numerous instances expressed concern over the misuse of Section 498A of IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analyzing the long term ramifications of a trial on the complainant as well as the accused. False implication by way of general omnibus allegations made in the course of matrimonial dispute, if left

1 (2022) 6 SCC 599

unchecked would result in misuse of the process of law. Therefore, the Apex Court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.

9) The Supreme Court in ***K. Subba Rao and Others vs. The State of Telangana and Ors.***[2] held that "the Courts should be careful in proceeding against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths. The relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out."

10) An unfounded criminal charges and long drawn criminal prosecution always have serious consequences. A person implicated in such litigation not only suffers mental trauma and humiliation but also suffers a financial loss. It is common experience that reckless imputations can result in serious repercussion on one's career progression and future pursuits. Additionally, it stigmatizes reputation, bring disrepute and lower the image of a person amongst friends, family and colleagues. As such, in such cases, it is necessary to invoke the jurisdiction of the High Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 and Article 226 of the Constitution to protect the character and reputation of the relatives who

2 2018 (14) SCC 452

have been unnecessarily implicated in the case of Section 498A I.P.C.

11) Considering the case in hand in the light of the observations in the reported cases referred above, it appears that, Respondent No.2 lodged the impugned FIR mainly on account of her personal dispute with her husband. However, the Petitioners being the relatives of the husband, she implicated them in the FIR with an ulterior motive. Therefore, continuation of the FIR and the consequent charge-sheet against the Petitioners would amount to an abuse of the process of law.

12) In view of the above discussion, we are inclined to allow the Petitions and pass the following order :-

ORDER

(i) The proceedings arising out of the subject FIR No.533 of 2024 dated 29/09/2024 lodged at the instance of Sinhgad Road police station and the consequent chargesheet are quashed and set aside *qua* the Petitioners.

(ii) Writ Petitions are disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.) **(BHARATI DANGRE, J.)**