



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

Criminal Application (APL) No. 967 of 2024

Nikhil S/o Narendra Jaiswal and others

Versus

The State of Maharashtra through its Police Station Officer, Police Station
Pachpaoli, Police Station Nagpur and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Tejas Deshpande, Advocate for the applicants.

Mrs. Mayuri Deshmukh, APP for the non-applicant/State.

**CORAM : ANIL S. KILOR &
PRAVIN S. PATIL, JJ.**

DATED : 27th MARCH, 2025.

Heard.

2. We have gone through the First Information Report (FIR), which is sought to be quashed and set aside, bearing FIR No. 451 of 2024 registered with Police Station Pachpaoli, District Nagpur dated 15th May, 2024 registered for the offence punishable under Sections 498-A, 354B, 500 read with Section 34 of Indian Penal Code. Thereupon, we are of the opinion that no offence attracts against applicants. The applicant no.1 is the brother-in-law,

applicant no.2 is the sister-in-law of the non-applicant no.3.

Whereas, applicant no.3 is the husband of applicant no.2.

3. The allegations against the applicants as regards ill-treatment and harassment are vague and does not attract Section 498-A of Indian Penal Code.

4. The allegations are of general in nature and appear to have been made to unnecessarily rope the applicants in a matrimonial dispute between non-applicant no.3 and her husband Nevesh Narendra Jaiswal.

5. As far as Section 354-D of Indian Penal Code is concerned, the language of the said provision says that any man who monitors the use by a woman of the internet, emails or any other electronic communication, commits the offence of stalking.

6. In the present matter, the allegations against the applicants are that they gave a threat to the informant i.e. mother of the applicant no.3 that, they will make the call record and video clip viral. Thus, considering the pre-requisite to attract Section 354-D of the Indian Penal Code, there are no allegations. Thus, we have no

hesitation to hold that Section 354-D of Indian Penal Code does not attract.

7. As far as Section 500 of Indian Penal Code is concerned, which relates the punishment for defamation. The defamation is defined under Section 499 of Indian Penal Code. There are no ingredients found in the present matter to say that Section 499 of Indian Penal Code would attract in the present case against the applicants.

8. In the circumstances, none of the offence attracts against the applicants. Thus, we are of the opinion that this is a fit case for quashing of First Information Report in question i.e. FIR No. 0451 of 2024 dated 15th May, 2024 registered with Pachpaoli Police Station, District Nagpur for the offence punishable under Sections 498-A, 354-D, 500 read with Section 34 of Indian Penal Code. Accordingly, application is allowed in terms of prayer clause (a).

[PRAVIN S. PATIL, J.]

[ANIL S. KILOR, J.]