



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

CRIMINAL APPLICATION (APL) NO. 1248 OF 2021

Majidkhan Nisarkhan And Others

Vs.

State of Maharashtra, Thr. P.S.O., Police Station - Mahagaon, Yavatmal And Another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M. N. Ali, Advocate for the applicants

Mr. Raheel Anwar J. Mirza, Advocate for the non-applicant no. 2

Mr. N. B. Jawade, APP for non-applicant/State

**CORAM : URMILA JOSHI-PHALKE AND
NANDESH S. DESHPANDE, JJ.**

DATED : 18.12.2025

1. By this application, the applicant no. 1, who is the husband, and applicant no. 2 to 7, who are the nearest relatives of the husband, approached this Court for quashing of the First Information Report in connection with Crime No. 452 of 2021, registered under Section 498-A, 504, 506 read with Section 34 of the Indian Penal Code, and the consequent proceeding arising out of the same, bearing Charge Sheet No. 373/2022, and also the R.C.C. No. 99/2022, pending on the file of C.J.J.D. and J.M.F.C., Mahagaon.

2. The crime is registered on the basis of a report lodged by the informant on an allegation that her marriage was performed with the applicant no. 1 – Majidkhan, which is a love marriage. However, the applicant no. 1 has not taken

her to the matrimonial house when she insisted thereafter; also, he has not taken her to the matrimonial home, and when she approached the applicant no. 1 by visiting the matrimonial home, the other applicants denied to take her inside the house, abused her, as well as assaulted her, and driven her out of the house. On the basis of the said report, police have registered the crime against the present applicants.

3. Heard learned counsel for the applicants, who submitted that, as far as the applicant no. 1 is concerned, he is not pressing the application. Regarding the other applicants, he submitted that general and vague allegations are levelled. In fact, he invited our attention towards the observation of this Court in Criminal Application No. 773 of 2022, wherein the Single Bench of this Court has observed that, admittedly, on the date of marriage she has not visited at her matrimonial house, but on 24.07.2021, as per the allegation, she tried to go there, but she was driven away. It is the observation of this Court that there was no domestic relationship between the applicant nos. 2 to 7 and the informant, as she never cohabited by visiting the matrimonial home, therefore, the domestic violence proceeding is quashed by the Single Bench. He further invited our attention towards the recitals of the First Information Report and submitted that, even accepting the allegation as it is, the general and vague allegations are levelled against all the other applicants, who are nearest

relatives of the husband. As there is a dispute between the husband and wife, this First Information Report came to be lodged against these applicants. He submitted that, considering the nature of the allegations, no prima facie case is made out against the present applicants, and therefore, the application deserves to be allowed.

4. Per contra, learned APP strongly opposed the said contention, and submitted that, considering the specific instance that the present applicants are not allow her to enter into the house, which is sufficient to infer that she was subjected for the cruelty, and therefore, the application deserves to be rejected. Learned counsel for the complainant also reiterated the said contentions, and submitted that this act of the other applicants itself is sufficient to their intention, and there is demand by them also; in view of that, the application deserves to be rejected.

5. On hearing both the sides, and on perusal of the entire recitals of the First Information Report, as well as the investigation papers, it reveals that, after marriage, the applicant no. 1 has never taken her to the matrimonial house, and the Single Bench of this Court has also observed the same, that there was no domestic relationship between the other applicants and the non-applicant no. 2. As far as the nature of the allegations are concerned, which also general in nature, no specific instances or specific act is attributed to any of the applicants. It is apparent that the present applicant nos. 2 and 3, who are the in-laws, and

other applicants, who are the sisters-in-law, are appears to be implicated merely because they are the relatives of the husband. As far as the applicant nos. 4 to 7 are concerned, who are already married and residing at their matrimonial house, therefore, question of ill-treatment at their hands doesn't arise. Considering the entire nature of the allegations levelled against the present applicants are general and vague allegations. In the light of the ingredients of the offence punishable under Section 498-A, which requires the willful conduct on the part of the applicants to attract the offence, which is absent here. In view of that, the application deserves to be allowed partly. Accordingly, we proceed to pass following order :-

ORDER

- i) The application is partly allowed.
- ii) The First Information Report in connection with Crime No. 452/2021, registered under Section 498-A, 504, 506 read with Section 34 of the Indian Penal Code, and the consequent proceeding arising out of the same, bearing Charge Sheet No. 373/2022 and also the R.C.C. No. 99/2022, pending on the file of C.J.J.D. and J.M.F.C., Mahagaon is hereby quashed to the extent of the applicant nos. 2 to 7 i.e. applicant no. 2 – Nisarkhan Amanullah Khan, applicant no. 3 - Sherbano Nisar Khan, applicant no. 4 – Sajidkhan Nisarkhan, applicant no. 5 - Nahid Nisar Khan,

applicant no. 6 – Nikhat W/o Moin Sajjad Khan and
applicant no. 7 – Hina Parveen Syed Shoed Ali.

iii) The prayer of the applicant no. 1 regarding
quashment of the First Information Report is hereby
disposed of as the application is not press for him.

iv) The application is disposed of in above said terms and
conditions.

(NANDESH S. DESHPANDE, J.) (URMILA JOSHI-PHALKE, J.)