



Judgment

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

CRIMINAL APPLICATION (APL) NO.1689 OF 2022

1. Jarina Sayyed Abrar,
aged about: 55 years, occupation: household,
r/o Bhosa Road, Yavatmal, district Yavatmal.

2. Shama Imraan Khan,
aged about: 35 years, occupation: service,
r/o Byculla Police Quarter, near Shalimar
Hotel, Masjid Bander, Mumbai. **Applicants.**

:: V E R S U S ::

1. The State of Maharashtra,
PSO PS Awadhutwadi,
Yavatmal, district Yavatmal.

2. Saba Anjum Sayyed Sayyed Ali,
aged about: 19 years, occupation: household,
r/o Indira Nagar, Bhosa Road,
Yavatmal, district Yavatmal. **Non-applicants.**

**Shri M.N.Ali, Counsel for Applicants.
Shri M.J.Khan, Addl.PP for NA No.1/State.**

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

DATE : 19/12/2025

JUDGMENT (Per : Urmila Joshi-Phalke)

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1. Heard learned counsel Shri M.N.Ali for applicants and learned Additional Public Prosecutor Shri M.J.Khan for the State. **Admit.** Heard finally by consent of learned counsel for parties.

2. The present application is preferred by applicants under Section 482 of the CrPC for quashing of FIR in connection with Crime No.1104/2022 registered under Sections 498-A and 506 read with 34 of the IPC and under Section 4 of the Dowry Prohibition Act.

3. The crime is registered on the basis of a report lodged by non-applicant No.2 on allegations that her marriage was performed with son of applicant No.1 on 20.5.2021. After the marriage, she resumed cohabitation at the house of applicants and her husband. As per her report, applicant No.1 was raising quarrels with her on trivial issues and was insisting her to abort child. As far as other allegations are concerned, the same are against

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her husband that he was addicted to bad vices and demanding amount Rs.50,000/- and “Golden-Ring” of five grams and was physically and mentally harassing her. On the basis of the said report, the police have registered the crime against applicants.

4. Learned counsel for applicants submitted that as far as allegations against applicants are concerned, the same are to the extent of “instigation” and “ill-treatment” on trivial reasons. However, no specific instances are narrated by the informant regarding harassment at the hands of applicants. He submitted that applicant No.2 married long back and is residing at Mumbai. There is no occasion for her to come to the house of the informant and harass her. Merely because she is sister of the husband of the informant, she appears to be implicated in the alleged offence. Thus, considering nature of allegations, the application deserves to be allowed.

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5. *Per contra*, learned Additional Public Prosecutor for the State strongly opposed the said contentions and submitted that applicants in connivance with other co-accused were ill-treating the informant and, therefore, she was constrained to leave the matrimonial house. She has specifically alleged as to act of applicants as well as act of the co-accused. Considering the same, the application deserves to be rejected.

6. Having heard both the sides, recital of the FIR shows that as far as applicant No.1 is concerned, the only allegation against her is that she used to raise quarrels on trivial issues and she was insisting the informant to abort child.

As far as applicant No.2 is concerned, the only allegation against her is that she was instigating the husband of the informant and, therefore, the husband was ill-treating the informant.

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7. Admittedly, regarding the “instigation” at the hands of applicant No.2, no specific instances are narrated by the informant and regarding the allegation against applicant No.1 is concerned, that she was raising quarrels on trivial issue, is also vague and *omnibus*. No willful conduct on the part of applicants is narrated by the informant to attract offence under Section 498-A of IPC.

8. Considering the observations of the Hon’ble Apex Court, that now, there is a recurring tendency of implicating all family members in matrimonial offences, involvement of applicants appears to be there.

9. Considering the nature of allegations levelled against applicants, admittedly, no *prima facie* case is made out against applicants and, therefore, the application deserves to be allowed, as per order below:

ORDER

(1) The Criminal Application is **allowed**.

(2) FIR in connection with Crime No.1104/2022 registered under Sections 498-A and 506 read with 34 of the IPC and under Section 4 of the Dowry Prohibition Act is hereby quashed to the extent of applicants Jarina Sayyed Abrar and Shama Imraan Khan.

Application stands **disposed of**.

(NANDESH S.DESHPANDE, J.)

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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