



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

**CRIMINAL APPLICATION (APL) No.865 OF 2025**

(Ehrar Ullah Khan s/o. Nasimullah Khan and others Vs. State of Maharashtra, through  
PSO, PS Malkapur city, Distt. Buldhana and another)

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

Court's or Judge's orders.

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Mr. N.R. Raut, Advocate for applicants.  
Mrs. Swati Kolhe, APP for non-applicant No.1.  
Ms. Nisha Gajbhiye, Advocate for non-applicant No.2.

**CORAM : URMILA JOSHI-PHALKE AND**  
**NANDESH S. DESHPANDE, JJ.**  
**DATE : 13<sup>th</sup> NOVEMBER, 2025.**

1. The present application is preferred by the applicants for quashing of First Information Report in connection with Crime No.322/2025, registered with Police Station Malkapur, District Buldhana for the offences punishable under Sections 498A read with Section 34 of the Indian Penal Code.

2. As per the allegations in the First Information report lodged by the non-applicant No.2 that her marriage was performed with applicant No.1 on 7.3.2015. Her husband was serving as a Teacher and they be begotten three children from the said marriage. However, there used to be dispute between her and her husband. She further alleged that the other applicants also ill-treated her and demanded amount from her for purchasing the plot and on that count she was ill-treated by the present applicants. On the basis of 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 allegations even against the husband is general in nature. He invited the contention towards the fact that from the said wedlock the applicant No.1 and non-applicant No.2 has three children. Thus, till the birth of the children there was no complaint as to the ill-treatment at the hands of present applicants. He submitted that as there used to be a dispute between the husband and wife all the family members are implicated in the alleged offence. On vague, baseless and omnibus allegations, no specific instances are narrated by the present applicants, as far as the ill-treatment at the hands of present applicants are concerned. It is apparent that due to the dispute between the spouse, the entire family is involved in the alleged offence. In view of that, the application deserves to be allowed.

4. Per contra, learned Additional Public Prosecutor and learned counsel for the complainant strongly opposed for the same and submitted that considering the allegations levelled against the present applicants prima facie case is made out. At this stage, the statements of the witnesses are to be looked into and mini trial is not to be conducted. In view of that, the application deserves to be rejected.

5. Section 498A of the Indian Penal Code prescribed punishment where a woman is subjected to cruelty by her husband or his relatives. The offence is punishable with imprisonment for a term which may extend to three years and also provides for fine. The explanation appended to the provision defines cruelty in two parts, clause (a) refers to willful conduct which is of such a nature as is likely to drive a

woman to commit suicide or to cause grave injury or danger to her life, limb or health (whether mental or physical); clause (b) expands the scope of the term which include harassment with a view to coercing woman or her relatives to meet any unlawful demand for any property or valuable security or on account of failure to meet such demand.

6. In the light of the abovesaid legal provision if the facts of the present case are taken into consideration it reveals that the allegation is that there was a dispute between husband and wife and there used to be frequent quarrels between the spouse. As far as the allegations regarding demand of dowry is concerned, no specific instances are narrated, neither the amount of demand is also mentioned by the non-applicant No.2. Thus, the general and omnibus allegation is levelled as far as the applicants are concerned. Thus, considering the requirement of Section 498A of the Indian Penal Code and the cruelty means any willful conduct which is of such a nature as is likely to drive a woman to commit suicide or to cause grave injury or danger to her life, limb or health or harassment of a woman where such harassment is to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand. The said ingredients appears to be absent in the abovesaid case. A bare perusal of First Information Report shows that the allegations made by the non-applicant No.2 are vague and omnibus other than mere allegation of harassment there is nothing on record to show that the applicants are ill-treated her.

7. In view of that, the prima facie case is not made out

and, therefore, the application deserves to be allowed. Accordingly, we proceed to pass following order :

**ORDER**

- (i) The application is allowed.
- (ii) The First Information Report in connection with Crime No.322/2025, registered with Police Station Malkapur, District Buldhana for the offences punishable under Sections 498A read with Section 34 of the Indian Penal Code is hereby quashed and set aside to the extent of the present applicants.
- (iii) The application is disposed of in the abovesaid terms.
- (iv) The fees of the appointed counsel be quantified as per rules.

**(Nandesh S. Deshpande, J.)**

**(Urmila Joshi-Phalke, J.)**