IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3750 OF 2025

1] Mohammed Jawwad Umer Mohammad Afsar
(Brother-in-law)

2] Javeriya Begum w/o Mohammad Jawwad Umer
(Sister-in-law)

3] Neha Afreen d/o Mohd. Afsar
[Afreen Begum w/o Mujeeb Ur Rehman (as per FIR)]
(Married sister-in-law)

4] Mujeeb Ur Rehman s/o Abdul Sattar Farooqui
(Husband of applicant No.3)

5] Shua Samreen w/o Mohammad Aamer Sharif
[Shia Samreen (as per FIR)]
(Married sister-in-law) ..APPLICANTS
(Orig. Accused)

VERSUS

1] The State of Maharashtra

2] Nishad Anjum w/o Mohammed Saad Umer
(Original Informant) ..RESPONDENTS
(Resp. No.2 is the Orig. Informant)

Mr. Sohail Subhedar Shaikh, Advocate for the Applicants.
Mr. D. B. Bhange, APP for Respondent No.1/ State.
Mr. Dhananjay M. Shinde, Advocate for Respondent No.2/ Informant.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 29th OCTOBER, 2026

PER COURT :

1. Heard learned advocates appearing for the respective parties.

2. The applicants are the relatives of Mohammed Saad Umer, the husband of respondent No.2 informant. Applicant No.1 is brother-in-law and applicant No.2 is his wife. Applicant Nos.3 and 5 are the married sisters-in-law of respondent No.2, and applicant No.4 is the husband of applicant No.3.

3. By this application filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants are challenging FIR No.0274/2025 dated 22.08.2025 registered with Itwara Police Station, Nanded, Dist. Nanded, at the behest of respondent No.2, for the offences punishable under Sections 85, 352, 351(1) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

4. As per the report lodged by respondent No.2/informant, her marriage with Mohammed Saad Umer took place on 13.01.2024. It is alleged that she was treated well for about eight days and thereafter, accused Nos.1 to 3 started ill-treating her and demanded a Bullet motorcycle, iPhone mobile and an amount of Rs.2,50,000/-. Out of the said wedlock, a son was born on 06.12.2024. It is alleged against the applicants that they never visited her and made comments on her and her new-born son. It is further alleged that after mediation, she resumed cohabitation, but the ill-treatment continued and on 27.04.2025, her husband pronounced triple talaq. As such, the

aforesaid FIR came to be registered at the behest of respondent No.2 on 22.08.2025.

5. In pursuance of the aforesaid FIR, investigation was set in motion and after completion of investigation, charge-sheet came to be filed on 12.11.2025. Learned Judicial Magistrate, First Class, Nanded, by order dated 18.11.2025 took cognizance and issued summons to the accused and proceedings bearing R.C.C. No.2135/2025 is pending before the said Court. By amendment permitted by order dated 21.11.2025, the applicants have also challenged the said order.

6. Learned advocate for the applicants submitted that the allegations of ill-treatment and demand are made against accused Nos.1 to 3, and there is no allegation of any demand against the applicants. Applicant Nos.1 and 2 have been residing at Hyderabad since 08.09.2024, where applicant No.1 is pursuing a fellowship in emergency medicine and applicant Nos.3 to 5 are residing separately at their respective matrimonial homes. Hence, continuation of the prosecution would amount to an abuse of the process of law.

7. Per contra, learned APP appearing for respondent No.1/State as well as learned advocate appearing for respondent No.2 informant strongly opposed the instant application. They submitted that sufficient material is available in the charge-sheet against the applicants and their role is a matter to be decided at the time of trial. Hence, they prayed for rejection of the instant application.

8. At this stage, it would be apposite to refer to some judgments of the Hon'ble Supreme Court. The Hon'ble Supreme Court

in ***State of Haryana v. Bhajan Lal***, 1992 Supp (1) SCC 335, laid down the categories of cases in which the High Court may exercise its inherent powers to quash criminal proceedings, including where the allegations, even if taken at their face value, do not prima facie constitute any offence against the accused. Further, in ***Geeta Mehrotra v. State of Uttar Pradesh***, (2012) 10 SCC 741, and ***Kahkashan Kausar @ Sonam v. State of Bihar***, (2022) 6 SCC 599, the Hon'ble Supreme Court emphasized the need to scrutinize the allegations made against the relatives of the husband in matrimonial disputes and observed that general and omnibus allegations, without specific allegations disclosing their individual involvement in the alleged offences, may not justify the continuation of criminal proceedings against them. In the case in hand, the allegations against the applicants, therefore, need to be examined in the light of the aforesaid principles laid down by the Hon'ble Supreme Court.

9. After going through the FIR in question and the material on record, it is found that the FIR is the outcome of matrimonial differences between respondent No.2 and her husband. The allegations of ill-treatment and of demand of a motorcycle, iPhone mobile and money are made against accused Nos.1 to 3 and not against the applicants. The only allegation against the applicants is that they did not visit respondent No.2 and made comments on her and her new-born son, which, even if accepted at its face value, does not amount to cruelty within the meaning of Section 85 of the Bharatiya Nyaya Sanhita, 2023. No specific act of insult or threat is attributed to any of the applicants so as to attract Sections 352, 351(1) and 351(2). Section

4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 punishes a husband who pronounces talaq and the pronouncement of talaq is alleged only against the husband. Applicant Nos.1 and 2 are residing at Hyderabad and applicant Nos.3 to 5 are residing separately at their own matrimonial homes. Thus, no offence is made out against the applicants.

10. In view of the aforesaid discussion, it is found that the applicants are implicated on account of their relationship with the husband of respondent No.2 and the allegations do not disclose their specific involvement. Therefore, in order to prevent an abuse of process of the Court and to secure the ends of justice, the instant application deserves to be allowed and the criminal proceedings against the applicants deserve to be quashed and set aside. Hence, the following order:

O R D E R

(a) Criminal Application is allowed.

(b) FIR No.0274/2025 dated 22.08.2025 registered with Itwara Police Station, Nanded, Dist. Nanded, at the behest of respondent No.2 and further proceedings arising therefrom, including order dated 18.11.2025 issuing summons and R.C.C. No.2135/2025 pending before learned Judicial Magistrate, First Class, Nanded, are hereby quashed and set aside to the extent of the present applicant Nos.1 to 5.

(SUSHIL M. GHODESWAR, J.)