



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

CRIMINAL APPLICATION (APL) NO.474 OF 2024

APPLICANTS

- 1] Gulam Gaus Pathan s/o Ismail Pathan, Aged about 50 years, Occupation- Business, Husband of Respondent No.2
 - 2] Fatema Pathan d/o Ismail Pathan, Aged about 37 years, Occupation- Advocate, Sister-in-law of Respondent No.2
 - 3] Shagufta Saleha w/o Gulam Gaus Pathan, Aged about 43 years, Occupation- Household, First wife of applicant No.1
 - 4] Shamshunissa wd/o Ismail Pathan, Aged about 65 years, Occupation- Household, Mother-in-law of respondent No.2
 - 5] Arshi d/o Gulam Gaus Pathan, Aged about 23 years, Occupation- Household, Daughter of applicant No.1
- Applicant Nos.1 to 5 are R/o Plot No.81, Teachers Colony, Ring Road, Jafar Nagar, Nagpur.

...VERSUS...

RESPONDENTS

- 1] State of Maharashtra, Through Police Station Officer, Police Station, Kamptee, Tah. Kamptee, District- Nagpur.

2] Sameera Fatima w/o Gulam Gaus Pathan, Aged about 42 years, Occupation-Service, R/o Plot No.42, Kalamana Road, Mangal Housing Society, New Yerkheda Road, Kamptee, Tah. Kamptee, District- Nagpur.

Mr. R.G. Verma, Advocate for Applicant Nos.2 & 4.
Ms. Soniya Thakur, APP for Non-Applicant No.1/State.

CORAM : PRAVIN S. PATIL, J.
DATE : 22/01/2026

ORAL JUDGMENT :

1. Heard. **RULE.** Rule made returnable forthwith. By consent Mr. R.G. Verma, learned counsel for the applicant Nos.2 and 4 and Ms. Soniya Thakur, learned APP for non-applicant No.1/State, the matter is taken up for final disposal.

2. By this application, the applicants are challenging the First Information Report (for short “FIR”) bearing Crime No.410/2023 dated 25.08.2023, registered at Police Station, Kamptee, Tah. Kamptee, District Nagpur for the offences punishable under Sections 498-A, 377 read with Section 34 of the Indian Penal Code, 1860 (for short “IPC”).

3. The non-applicant No.2 has lodged the complaint against the present applicants, who are the relatives of applicant No.1-husband. The only allegation levelled against the relatives of the husband is that

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they used to instigate the applicant No.1-husband against the non-applicant No.2 and as a result thereof, the applicant No.1-husband used to allegedly give her ill treatment and therefore, on this count offences are registered against the present applicants.

4. In the present matter, I have perused the FIR as well as the documents placed on record. After going through documents, it is clear that there are no specific allegations made against the present applicants.

5. In the light of submissions made by the learned Counsel for both sides before this Court, it would be relevant to consider Section 498-A of IPC. The bare perusal of this provision shows that vide its Explanation - (a) “the cruelty” means any wilful 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 life, limb or health (whether mental or physical) of a woman. As per Explanation - (b) harassment is done with a view 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. As such, while deciding these allegations, this Court

has to first look into the matter as to whether cruelty which is allegedly falls in the explanation provided under Section 498-A of IPC.

6. It is pertinent to note that the Hon'ble Supreme Court of India and this Court has experienced that there is a tendency of implicating the husband and his relatives in the criminal offence on vague and omnibus allegations. Therefore, this Court is required to be extremely careful and cautious in dealing with these complaints and must take pragmatic realities into consideration while dealing with matrimonial cases.

7. To attract the offence, it is necessary that the allegations levelled against the applicants should be concrete and precise. If it is found that the allegations are made without providing any specific details or describing any particular instance of harassment, in such cases, where Informant did not mention date, time and place or manner in which the alleged harassment is occurred, the Court should be slow while holding that offence is made out against the Applicants.

8. It is also held by the Hon'ble Supreme Court in the catena of cases that mere trivial irritations, quarrels between spouses which

happen in day-to-day married life not to be considered as cruelty. The foundation of a sound marriage is tolerance, adjustment and respecting each other. Therefore, petty quibbles, trifling differences are general and should not be exaggerated and blown out of proportion to destroy the marriage.

9. In support of this submission, it will be relevant to rely upon the Judgments of the Hon'ble Supreme Court of India in the following cases -

(i) *Dara Lakshmi Narayana & Others V/s State of Telangana & Another*, reported in *2025(3) SCC 735*;

(ii) *Preeti Gupta and Another V/s State of Jharkhand and Another*, reported in *(2010) 7 Supreme Court Cases 667*; and

(iii) *Achin Gupta V/s State of Haryana and Another*, reported in *AIR 2024 SC 2548*.

10. In view of the aforesaid legal position, it is necessary that the complainant must specifically raise allegations which attract the essential ingredients of Sections 498-A and 377 of IPC. After perusal of the entire documents placed on record, I am satisfied that no offence is

made out against the present applicants. Hence, I proceed to pass the following Order :-

ORDER

- i. The present criminal Application is **allowed** and **disposed of**.
- ii. FIR bearing Crime No.410/2023 dated 25.08.2023 registered at Police Station Kamptee, Dist. Nagpur for the offence punishable under Section 498-A, 377 read with Section 34 of the IPC is hereby quashed and set aside only in relation to the applicants.

11. The application stands **disposed of** in above terms. No order as to costs.

(PRAVIN S. PATIL, J.)

Privel