



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

CRIMINAL APPLICATION (APL) NO.483/2024

1. Shaikh Abdul Khaliq Mohammed
Firoz, (Husband)
Aged: 41 years, Occu: Private,
2. Hanifa @ Sammi Firoz Shaikh,
(Mother-in-law)
Aged: 63 years, Occu: Household,

Applicant No. 1 and 2 R/o. Near
Gadwal Chawl Karamatulla
Malik Chawl, Khindi Pada,
Dargah Road, Bhandup
Complex S.O. Mumbai
3. Hena @ Bushra Shadab Shaikh,
(Sister-in-law)
Aged: 36 years, Occu: Household,
R/o. Room No. 201, Banking Colony,
Ekta Nagar, Mapsa, Goa,
4. Sana Parvin Juned Shaikh,
(Sister-in-law)
Aged: 35 years, Occu: Household,
R/o. 521, Nana Peth, Sant Kabir
Chowk, Opp Abhyudaya Bank,
pune City, Pune

... **APPLICANTS**

...**VERSUS**...

1. State of Maharashtra
Through P.S.O., Nagpuri Gate,

Amravati

2. Ursiya Fatema Abdul Khalique,
Aged: 29 years, Occu: Private,
R/o. Taj Nagar No. 2, Nagpuri Gate,
Amravati

...NON-APPLICANTS

Shri M. Rai, Advocate for applicants
Ms Soniya Thakur, APP for non-applicant No.1/State

CORAM : PRAVIN S. PATIL, J.

DATED : 04.02.2026

ORAL JUDGMENT

Heard. By consent of the parties, this matter is taken
for final disposal at admission stage.

2. By this application, the applicant is seeking to quash
and set aside proceedings registered as RCC 1307/2023 pending
before the learned Judicial Magistrate First Class, Amravati on the
basis of First Information Report vide Crime No.522/2022 arising
out of charge-sheet No.114/2023 for the offences punishable under
Section 498-A, 323, 504, 506 and 34 of the Indian Penal Code.

3. The present applicant who have approached to quash the criminal proceedings are the husband, mother-in-law, married sister-in-law of the non-applicant No.2. According to the present applicants, even the allegations, which are level against them are taken on its face value, no offence is made out against them under Sections 498-A, 323, 504 and 506 of the Indian Penal Code and seeks indulgence of this Court in the matter.

4. The case of the prosecution in short is that the non-applicant No.2 has performed second marriage with the present applicant No.1. Immediately, after marriage was solemnized, she was given ill-treatment by the husband. She was abused by the present applicants on the count of dowry and one time, she was also slapped by the applicants. The allegations against the relatives of the applicants are made that they used to instigate her husband and due to that instigation, she was ill-treated by the husband.

5. It is seen from the complaint that she has earlier lodged complaint on 21.01.2021 against the present applicant but on that complaint, no offence was registered and, therefore, she has lodged the second complaint on 02.11.2022, and on the allegations

in subsequent complaint, the offence came to be registered in the present matter.

6. In 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 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 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 whether the cruelty which is allegedly falls in the explanation provided under Section 498-A of IPC.

7. It is also 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.

8. To attract the offence, it is necessary that the allegations levelled against the Applicant 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.

9. 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.

10. In support of this submission, it will be relevant to rely upon the Judgments of the Hon'ble Supreme Court of India in the cases of - (i) *Dara Lakshmi Narayana & Others V/s State of Telangana & Another*, 2025(3) SCC 735; (ii) *Preeti Gupta and Another V/s State of Jharkhand and Another*, (2010) 7 Supreme Court Cases 667; and (iii) *Achin Gupta V/s State of Haryana and Another*, AIR 2024 SC 2548.

11. In the present case, it is clear that there are general and omnibus allegations leveled against the present applicants. The allegations, which are leveled are of a general nature in the matter that is to say that she was not given proper treatment by the applicants, routinely she was asked to do some work and taunted her by the present applicants. It is nowhere specifically stated as to how she was caused the harassment of such a nature which comes under the explanation of cruelty as described under clause (a) and (b) of Section 498 of the Indian Penal Code. The allegations which are made only seem to be with intention to implicate all the family members in the criminal offence. Hence, *prima facie*, I am not satisfied that on the basis of these allegations, the offence can be registered against the present applicants.

12. In the circumstances, keeping continue of the criminal proceedings against the present applicants would nothing but abuse of process of law. Therefore, indulgence of this Court is necessary. Accordingly, I proceed to pass the following order:

ORDER

- i) The application is allowed.
- ii) The proceedings registered as RCC 1307/2023 pending before the learned Judicial Magistrate First Class, Amravati, on the basis of First Information Report vide Crime No.522/2022 arising out of charge-sheet No.114/2023 for the offences punishable under Section 498-A, 323, 504, 506 and 34 of the Indian Penal Code is hereby quashed and set aside.

13. The application stands disposed of. No order as to the costs.

(PRAVIN S. PATIL, J.)

R.S. Sahare