



Judgment

11 apl21.25

1

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

CRIMINAL APPLICATION APL NO.21 OF 2025

1. Sohail Ahemad s/o Abdul Wahid,
age 32 years, occupation labour.

2. Abdul Wahid s/o Mohammad Husain,
age 59 years, occupation NIL.

3. Shamim Bano Abdul Wahid,
age 51 years, occupation NIL.

4. Wasim Ahemad Abdul Wahid,
age 36 years, occupation labour.

5. Fatema Anjum J.Wasim Ahemad,
age 25 years, occupation NIL.

6. Shoeb Ahemad Abdul Wahid,
age 34 years, occupation labour.

7. Wakar Ahemad Abdul Wahid,
age 27 years, occupation labour.

Applicants No.1 to 7 r/o Jafarbad, Akot Fail,
Akola, taluka and district Akola.

8. Nahid Firdous w/o Shaikh Salim,
age 39 years, occupation housewife.
r/o Solaso plots, Akot fail, Akola, taluka
and district Akola. **Applicants.**

:: VERSUS ::

1. State of Maharashtra,
through Police Station Officer, P.S.
Ramdaspath, Akola, taluka and district Akola.

2. Juveriya Tabbassum Sohail Ahemad, aged
about 29 years, occupation Stitching Work,
r/o c/o Maksud Baig, Mohata Mill Road,
Firdous Colony, Akola, taluka and
district Akola. **Non-applicants.**

=====

Shri P.L.Sagdeo, Counsel for the Applicants.
Shri H.D.Dubey, APP for Non-applicant No.1/State.
Ms Priti Pimpalkar, Counsel for NA No.2.

=====

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 19/01/2026

ORAL JUDGMENT

1. Heard learned counsel Shri P.L.Sagdeo for the
applicants, learned APP Shri H.D.Dubey for the non-applicant
No.1/State, and learned counsel Ms Priti Pimpalkar for the
non-applicant No.2 (the informant). **Admit.** Heard finally by
consent of the parties.

3

2. By this application, the applicants seek quashing and setting aside FIR in connection with Crime No.382/2024 registered for offences under Sections 323, 498-A, 504, and 506 read with 34 of the IPC and consequent proceeding arising out of the same bearing RCC No.408/2025 pending before learned Joint Judicial Magistrate First Class, Akola.

3. The informant, the wife of the applicant No.1, lodged the FIR on allegations that her marriage with the applicant No.1 was performed on 29.3.2019. After the marriage, she resumed cohabitation at the house of the applicants. As per her allegations, though various articles were gifted in her marriage, after the marriage, her husband and other applicants were taunting her for not giving a proper gift and not incurring the expenses in the marriage. It is further alleged that she was also ill-treated for demand of money of Rs.2.00 lacs for constructing the house. On the basis of the said report, the police registered the offence against the applicants.

4

4. Learned counsel for the applicants submitted that even accepting the allegations as it is, at its face value, general, vague, and omnibus allegations are levelled against the applicants including the husband of the informant. In fact, one FIR was lodged by the applicants against the informant and to give a counterblast to the said report, this false complaint is lodged by the informant. He submitted that no willful conduct on the part of the applicants is narrated by the informant, which is requirement of law. He submitted that considering catena of decisions, it states that the relatives of the husband not to be roped into on general and vague allegations. He invited my attention to the entire statements of the witnesses and submitted that no specific instances are narrated as far as the applicants are concerned and only on the basis of vague and general allegations, the applicants are implicated in the alleged offence. Thus, considering the nature of the allegations levelled and considering the fact that it was the applicant No.1 who has filed the complaint against

5

the informant and, therefore, she has given a counterblast to the said complaint, this false FIR came to be lodged.

5. *Per contra*, learned APP for the State strongly opposed the said contentions and submitted that considering the statement of the informant and other witness, a specific case is made out against the applicants. In view of that, *prima facie* case is made out which is sufficient to frame the charge against the applicants and, therefore, the application deserves to be rejected.

6. On hearing both the sides and perusing the entire investigation papers, it reveals that relationship is not in dispute. Recital of the FIR shows that after the marriage, the informant resumed cohabitation at the house of the applicants. As per her allegations, the applicants have ill-treated her as gifts are not provided in the marriage as per their status.

6

7. Thus, learned counsel for the applicants has rightly pointed out that the allegations are general in nature and no specific instances or any willful conduct is attributed to the applicants. He has placed reliance on the decision of the Hon'ble Apex Court in the case of **Achin Gupta vs. State of Haryana, reported in (2025) SCC OnLine 759** and **Shaban Sheikh and ors vs. State of Maharashtra, reported in 2020 SCC OnLine Bom 1752.**

8. For adjudicating the issue involved in the present application, it is necessary to consider Section 498-A of the IPC, which reads as under:

“498A. Husband or relative of husband of a woman subjecting her to cruelty.-

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

7

Explanation. - For the purpose of this section, “cruelty” means-

(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view 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.

9. Thus, “cruelty” defined under Section 498-A of the IPC which requires that there should be harassment of woman where such harassment is with a view 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 earlier made.

8

10. Thus, the requirement to establish the offence under Section 498A of the IPC is that there should be willful conduct on the part of the applicants or in-laws.

11. As far as allegations in the present case are concerned, admittedly, the same are omnibus, vague, and general in nature, even against the husband.

12. At this stage, it is relevant to note the observations of the Hon'ble Apex Court in the case of **Achin Gupta vs. State of Haryana** *supra*, relied upon by learned counsel for the applicants, wherein it is observed that, "if a person is made to face a criminal trial on some general and sweeping allegations without bringing on record any specific instances of criminal conduct, it is nothing but abuse of the process of the court. The court owes a duty to subject the allegations levelled in the complaint to a thorough scrutiny to find out, prima facie, whether there is any grain of truth in the allegations or whether they are made only with the sole object of involving

9

certain individuals in a criminal charge, more particularly when a prosecution arises from a matrimonial dispute”.

13. Considering the observations of the Hon’ble Apex Court and considering the object behind Section 498-A of the IPC, in present case, admittedly, general, vague and omnibus allegations are levelled against the applicants. No specific instances are narrated even against the husband of the informant.

14. In this view of the matter, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

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

(2) FIR in connection with Crime No.382/2024 registered for offences under Sections 323, 498-A, 504, and 506 read with 34 of the IPC and consequent proceeding arising out of the same bearing RCC No.408/2025 pending before learned Joint

Judgment

11 apl21.25

10

Judicial Magistrate First Class, Akola are hereby quashed and set aside to the extent of the applicants.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

...../-