



Judgment

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

CRIMINAL APPLICATION APL NO.126/2025

1. Mr.Sumit s/o Nandkishor Tiwari,
aged about 31 years, occupation: service,
r/o H.No.E-2-203, Amrapali Leasure
Park, Greater Noida, District: Gautam
Buddha Nagar (Uttar Pradesh).

2. Smt.Sangeeta Abneesh Choudhary,
aged about 42 years, occupation: household,
r/o H.No.218, Golden Valley Society,
Roza Jalalpur, near Nagar Bhatta, Noida
Extension, district: Gautam Buddha
Nagar (Uttar Pradesh).

3. Mr.Nandkishor s/o Joginder Tiwari,
aged about 67 years, occupation: retired.

4. Smt.Mala w/o Nandkishor Tiwari,
aged about 63 years, occupation: household,
both r/o 25, Street No.3, Near Bhamian
Road, Mundian Kalan, Ludhiana, Punjab.

5. Mr.Ankit s/o Nandkishor Tiwari,
aged about 36 years, occupation: service,

6. Smt.Rashmi w/o Ankit Tiwari,
aged about 35 years, occupation: service,
both r/o C-203, Land Capital Primero,
Jantha Colony, Carmelaram, Bengaluru,
Karnataka.

..... **Applicants.**

:: VERSUS ::

1. State of Maharashtra,
through Police Station Officer,
Police Station Gittikhadan, Nagpur.

2. Smt.Minakshi w/o Sumit Tiwari,
aged about 29 years, occupation: service,
r/o plot No.16, behind Shreenath Farsan,
Manav Sewa Nagar Road, Seminary Hills,
Nagpur. **Non-applicants.**

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Shri C.F.Bhagwani, Counsel for Applicants.
Shri M.A.Barabde, APP for the NA No.1/State.
Shri P.S.Kadam, Counsel for NA No.2.

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CORAM : **URMILA JOSHI-PHALKE, J.**
DATE : **16/02/2026**

ORAL JUDGMENT

1. Heard. **Admit.** Heard finally by consent.
2. By this application, applicants are seeking quashing of
FIR in connection with Crime No.794/2024 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 chargesheet No.176/2025 and RCC
No.3155/2025 pending before learned JMFC, Nagpur.

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3. Learned counsel for applicants submitted that applicants, who are husband and in-laws of non-applicant No.2 (the complainant), are arrayed as accused in the said crime on the basis of a report lodged by the complainant on allegations that her marriage was performed with applicant No.1. After the marriage, she resumed cohabitation. It is alleged that, in the said marriage, all expenses are incurred by her parents. Sister of applicant No.1 was also residing along with them for fifteen days. She alleged that after the marriage, applicant No.1 started ill-treating her by demanding amount and other applicants were instigating him. She further alleged that her in-laws were teasing her as she was less in height. She further alleged her husband was under the addiction of liquor and used to physically assault her.

On the basis of the said report, the police have registered the crime against all applicants.

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He submitted that even accepting the allegations as it is, the same are baseless, general, and omnibus in nature. No specific instances are narrated about the ill-treatment and, therefore, no *prima facie* case is made out against present applicants.

4. *Per contra*, learned APP for the State and learned counsel for the complainant have strongly opposed the said contentions and submitted that there are specific allegations as far as husband is concerned. Relevant statements are recorded during investigation which also substantiate the same.

In view of that, the application deserves to be rejected.

5. On hearing both sides and perusing recital of the FIR, it shows that specific allegations are levelled against applicant No.1 i.e. husband of the complainant that since the date of marriage, he subjected her for ill-treatment physically

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as well as mentally so also he used to torture her. Therefore, a *prima facie* case is made out against applicant No.1.

6. As far as other applicants are concerned, i.e. applicant Nos.2 to 6, except their names mentioned in the FIR, omnibus and sweeping allegations are levelled against them that they used to instigate applicant No.1. There is no specific instances narrated by the complainant.

Now, it is settled law that mere reference of names of relatives of the husband is not sufficient in absence of specific allegation against them by mentioning specific instances to attract the offence under Section 498-A of the IPC.

7. Recital of the FIR as well as the various statements of witnesses shows general, vague, and omnibus statements are made as far as applicant Nos.2 to 6 are concerned.

8. In view of that, the application deserves to be partly allowed. Accordingly, I proceed to pass following order:

ORDER

(1) The criminal application is **partly allowed**.

(2) FIR in connection with Crime No.794/2024 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 chargesheet No.176/2025 and RCC No.3155/2025 pending before learned JMFC, Nagpur are hereby quashed and set aside to the extent of applicant Nos.2 to 6.

(3) The criminal application in respect of applicant No.1 is **rejected**.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)