



Judgment

21 apl202.25

1

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

CRIMINAL APPLICATION APL NO.202/2025

1. Khairunnisa Shabbir Khan,
(mother-in-law),
aged about: 67 years, occupation: Nil.

2. Afsana bi Mohsin Khan,
(sister-in-law),
aged about: 31 years, occupation: household.

3. Yousuf Khan Shabbir Khan,
(brother-in-law)
aged about: 40 years, occupation: doctor.

applicant Nos.1 to 3 r/o Near Aman Medical,
Dhangar Pura, Parpet, Malkapur, district Buldhana.

4. Sheikh Asif Shaikh Rauf
(brother-in-law)
aged about: 39 years, occupation: service
r/o near Pundlik Baba Nagar, Musheer colony,
Vidharbh Mahavidhyalaya, Amravati.

5. Najma Parveen w/o Shaikh Naved,
(sister-in-law),
aged about: 37 years, occupation: doctor,
r/o flat No.502, Yellow Tower,
Bharni Nala, Antop Hill, Wadala,
Mumbai. 400037.

6. Shehnaz Parveen Mohd.Ahmed
(sister-in-law),

2

aged about: 40 years, occupation: household,
r/o SMS Developer, Dapodi, Pune,
411012.

7. Misbah Naz Mohd.Ahmad
(daughter of sister-in-law),
aged about: 22 years, occupation: student,
r/o near Nagar Parishad Urdu School,
weekly market, Nandura, district Buldhana.

8. Rehana bi Abulas Khan,
(sister-in-law)
aged about: 31 years, occupation: doctor,
r/o near Burhani School, Sambhaji Nagar,
Pachora, district Jalgaon. Applicants.

:: VERSUS ::

1. The State of Maharashtra,
through PSO PS Old City,
Akola, taluka and district Akola.

2. Mahvash Naz Imran Khan,
aged about: 26 years, occupation doctor,
r/o c/o Sadiqur Rehman Gulam Ayyub
near Bilal Masjid, Ganganagar,
Akola, taluka and district Akola. Non-applicants.

=====

Shri M.N.Ali, Counsel for Applicants.
Shri N.B.Jawade, APP for NA No.1/State.
Shri A.B.Mirza, Counsel for NA No.2.

=====

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 11/02/2026

ORAL JUDGMENT

3

1. Heard learned counsel for applicants; learned APP for non-applicant No.1/State, and learned counsel for non-applicant No.2. **Admit.** Heard finally by consent.

2. By this application, applicants are seeking quashing of FIR in connection with Crime No.632/2024 registered for offences under Sections 85 and 3(5) of the BNS and consequent proceeding arising out of the same bearing chargesheet No.42/2025.

3. The crime is registered on the basis of a report lodged by non-applicant No.2 on allegation that her marriage with co-accused Imran Khan was performed on 9.11.2020. After the marriage, she resumed cohabitation at her matrimonial house. In the said marriage, her father has incurred expenses. At the house of her husband, all applicants were residing jointly. After the marriage, as soon as she came to reside at matrimonial house, she was ill-treated by applicants on account of some articles were not given in the marriage. She

4

alleged that applicants were instigating her husband and her husband was ill-treating, taunting, and physically and mentally harassing her.

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

4. Learned counsel for applicants submitted that except allegation, i.e. instigation, there is absolute no material to connect applicants with the alleged offence. They are implicated merely because they are relatives of the husband of non-applicant No.2. No specific instances or specific act is attributed to applicants. Thus, no *prima facie* case is made out against applicants and, therefore, the application deserves to be allowed.

5. *Per contra*, learned APP for the State strongly opposed the said contentions and submitted that considering nature of allegations, that all applicants were harassing non-applicant No.2 by demanding articles as well as instigating her husband

5

and on their instigation, her husband was ill-treating her, are sufficient to attract the offence under Section 498-A of the IPC.

6. Learned counsel for non-applicant No.2 has also endorsed the same contentions and submitted that considering allegations levelled against applicants, the application deserves to be rejected.

7. On hearing both sides and perusing entire investigation papers, and the FIR, it reveals that except general, omnibus, and sweeping allegations, that applicants were instigating her husband, there is no other allegation levelled against applicants.

8. It is apparent that applicants are implicated in the crime merely because they are relatives of the husband of non-applicant No.2.

9. Now, in catena of decisions, the Hon'ble Apex Court has deprecated practice of implicating all family members in

6

such type of crimes, especially when there is no specific allegations against them. Mere reference of names of applicants without assigning any specific role is not sufficient to attract the offence against applicants.

10. In view of that, 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.632/2024 registered for offences under Sections 85 and 3(5) of the BNS and consequent proceeding arising out of the same bearing chargesheet No.42/2025 are hereby quashed and set aside to the extent of applicants.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)

Judgment

21 apr 2025

7

!! BrWankhede !!

...../-