



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

CRIMINAL APPLICATION (APL) NO. 555 OF 2025

- APPLICANTS :
1. Sagar Ramesh Rathod,
Age 41 years, Occupation : Housewife,
R/o Room No.412, Building No.55-56,
C-Wing, Yogi Tower, Borivali (West),
Mumbai Suburban – 400091.
 2. Ramesh Tulshiram Rathod,
Age : 48 years, Occupation : Government
Servant, Address : Room No.412,
Building No.55-56, C-Wing Yogi Tower,
Borivali (West),
Mumbai Suburban – 400091.

VERSUS

- NON-APPLICANTS :
1. State of Maharashtra
Through Police Station Officer,
Digras Police Station, Yavatmal.
 2. XYZ, Victim in Crime No.06/2025,
P. S. Digras, Yavatmal, Maharashtra.

Shri Yash Venkatraman, Advocate with Shri Aditya Choudhari, Advocate
for applicants.

Shri Nikhil Joshi, Additional Public Prosecutor for non-applicant No.1.

Shri Vikky S. Gokhale, Advocate for non-applicant No.2.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 13/02/2026.

ORAL JUDGMENT :

1. Heard. **Admit.** Heard finally with the consent of learned
counsel appearing for the parties.

2. The application is preferred by the applicants for quashing of the FIR in connection with Crime No.0006/2025 registered under Sections 74, 75, 76, 115, 351(2), 351(3), 352 and 3(5) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023).

3. A crime is registered on the basis of report lodged by the non-applicant No.2 on an allegation that the applicant No.1 is her sister-in-law and applicant No.2 is her husband. There is previous dispute between them and as per her allegations, her maternal place is village Savanga and applicants used to visit at their house within 15 days from Mumbai and they used to raise quarrel with her as well as assaulted her. As per her allegations on 28/12/2024 at about 1.00 p.m., the present applicants came to her house, abused her, assaulted her by slaps by saying that why she is raising quarrel always along with them and applicant No.2 was under the influence of liquor and he has torn her gown as well as outraged her modesty by physically touching her. At the relevant time, her children also came to her. The applicant No.2 also threatened her that he will commit rape on her and also kill her.

4. On the basis of said report, police have registered a crime against the present applicants. After registration of crime, the investigation started rotating. During investigation, the relevant statements were recorded and after completion of investigation, the charge sheet was submitted.

5. Heard learned counsel for the applicants who invited my attention towards the earlier crime registered vide Crime No.406/2024 on 03/07/2024. On the basis of report lodged by the applicant No.1 wherein similar type of allegations are levelled against one Premsingh Bhilsingh Chavan and one Sagar Bhilsingh Chavan. He submitted that to give a counterblast to the said FIR, this FIR came to be lodged belatedly on 03/01/2025. He submitted that if the alleged incident has taken place on 28/12/2024. Despite the husband of the informant is a police constable, the report is not lodged. It is sufficient to say that afterthought, this report came to be lodged only to implicate the present applicants in the false case on the basis of baseless and false allegation. He also invited my attention towards the fact that as per the complainant, in the said incident, applicant No.2 has torn her gown. During investigation, no investigation was carried out to verify the said fact and her gown was not seized by the

Investigating Agency. He further submitted that as per the allegations at the relevant time, her children also came there, but the statements of the children are not recorded even to ascertain that whether really the presence of the present applicants was there or not. Thus, on the basis of the baseless and vague allegations, applicants are implicated in the alleged offence. In view of that, application deserves to be allowed. In support of his contention, he placed reliance in the case of **Mahmood Ali and others Vrs. State of Uttar Pradesh and others**, reported in **(2023) 15 SCC 488**.

6. Per contra, learned APP submitted that this cannot be a counterblast as the earlier complaint was lodged five to six months prior to this incident i.e. on 03/07/2024. Therefore, by no stretch of imagination, it can be said that this report is only to give a counterblast to the complaint filed by the applicant No.1. He further invited my attention towards the statement of the victim as well as the statement of her husband and submitted that they substantiate the contention that she was subjected for outraging of her modesty by the applicant No.2. In view of that, application deserves to be rejected.

7. Learned counsel for non-applicant No.2 also endorsed the said contention.

8. On hearing both the sides and on perusal of the entire investigation papers, it reveals that admittedly, there was dispute between the non-applicant No.2 who is the sister-in-law of the applicant No.1. There has to be quarrel between two families and therefore, earlier also, Crime No.406/2024 was registered with the similar allegations against the relatives of the non-applicant No.2 i.e. Premsingh Chavan and Sagar Chavan. While considering the genuineness of the allegations levelled against the present applicants, it is to be considered whether the attending circumstances substantiate the said contention. As per the allegations of the informant that at the relevant time, her children came there. However, the statement of the children are not recorded even the Investigating Officer has not collected any material to show that during that incident, the clothes of the present non-applicant No.2 were torn. Admittedly, FIR is lodged after the said alleged incident. No explanation is put forth by the non-applicant No.2 for the said delayed information.

9. The entire case is to be considered in the light of the parameters laid down by the Hon'ble Apex Court in the case of

State of Haryana & Ors. Vs. Bhajan Lal & Ors., 1992 Supp.(1) SCC

335, which are as under :

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

10. In the case of Mahmood Ali and others Vrs. State of Uttar Pradesh and others (cited supra), the Hon'ble Apex Court has considered this aspect and observed that "once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not."

11. It is further observed that in frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines.

12. The Court while exercising its jurisdiction under Section 482 of the Code of Criminal Procedure or Article 226 of the Constitution of India need not restrict itself only to the stage of

a case but, is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation.

13. Take for instance, the multiple FIRs are registered over a period of time. It is in the background of such circumstances, the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.

14. In the light of above observations of the Hon'ble Apex Court, if the facts of the present case are taken into consideration, admittedly on perusal of the attending circumstances which are not supporting to the allegations levelled against the present applicants, therefore, the possibility of implication falsely due to previous complaint filed by the applicant No.1 cannot be ruled out. The possibility of false implication even due to previous dispute also cannot be ruled out.

15. In the result, application deserves to be allowed. Considering the fact that allegations levelled against the present applicants are not substantiated by the attending circumstances

and therefore, application deserves to be allowed. Accordingly, I proceed to pass following order :-

ORDER

- i] The application is allowed.
- ii] The FIR in connection with Crime No.0006/2025 registered under Sections 74, 75, 76, 115, 351(2), 351(3), 352 and 3(5) of the BNSS, 2023 and the consequent proceedings arising out of the same bearing Charge Sheet No.77/2025 is quashed and set aside to the extent of the present applicants.

16. Application is disposed of.

[JUDGE]