



Judgment

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

CRIMINAL APPLICATION APL NO.563 OF 2025

1. Sagar s/o Subhashrao Sapate,
aged about 39 years, occupation – service.

2. Archana w/o Sagar Sapate,
aged about 33 years, occupation – household,
Both r/o SRPF, 500 Camp, Quarter No.
43/5, Amravati,
Taluka and district Amravati. **Applicants.**

:: VERSUS ::

1. State of Maharashtra,
through Police Station Officer, Police
Station Mangrulpir and District – Washim.

2. Monika w/o Shyam Sapate,
aged about 31 years, occupation – housewife,
r/o c/o Vijayappa Parma, Ghimbha Post,
Mohri, taluka Mangrulpir,
district Washim. **Non-applicants.**

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Shri N.R.Tekade, Counsel for the Applicants.

Mrs.M.A.Barabde, APP for the NA No.1/State.

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CORAM : **URMILA JOSHI-PHALKE, J.**

DATE : **25/02/2026**

ORAL JUDGMENT

1. Heard learned counsel for the respective parties.

Admit. Heard finally by consent.

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2. By this application, applicant No.1/brother-in-law and applicant No.2/sister-in-law are seeking quashing of FIR in connection with Crime No.229/2025 registered with the non-applicant No.1 police station for offence under Sections 85 read with 3(5) of the BNS.

3. The crime is registered on the basis of a report lodged by non-applicant No.2 (the complainant) on allegations that her marriage with Shyam was performed on 6.1.2021. After the marriage, she resumed cohabitation at her matrimonial house. For approximately one year, she was treated well. Thereafter, she was ill-treated by her husband and applicant No.1 for demand of Rs.5.00 lacs and on that count, she was abused and assaulted by her husband as well as applicant No.1 Sagar.

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

4. During submissions, learned counsel for applicants submitted that he is not pressing the application in respect of

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applicant No.1 and, therefore, the application to the extent of applicant No.1 is **disposed of as not pressed**.

5. Learned APP for the State has strongly opposed the said contentions on the ground that on the instigation of applicant No.2, other co-accused were ill-treating the complainant and, therefore, a sufficient material is there to connect applicant No.2 with the alleged offence.

6. This submission is considered in the light of recital of the FIR which shows that as far as applicant No.2 is concerned, except reference of her name, there is no specific allegation attributed to her and, therefore, no *prima facie* case is made out against applicant No.1.

7. It is now well settled that mere reference of names is not sufficient to attract offence against relatives if there is absence of the specific allegation by narrating the specific instance.

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8. In view of that, the application deserves to be allowed partly:

ORDER

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

(2) FIR in connection with Crime No.229/2025 registered with the non-applicant No.1 police station for offence under Sections 85 read with 3(5) of the BNS is hereby quashed and set aside to the extent of applicant No.2 Archana w/o Sagar Sapate.

(3) The criminal application in respect of applicant No.1 Sagar s/o Subhashrao Sapate is **disposed of as not pressed**.

Application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)