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

CRIMINAL APPLICATION (APL) NO. 786 OF 2025

1. **Mohd. Arif Sk. Mohd. Hanif**
   Aged- 32 years,
   Occupation : Teacher
   (Husband)
2. **Mohd. Hatif Sk. Chand**
   Aged - 65 years,
   Occupation: Driver
   (Mother-in-law)
3. **Rasheeda Bano Mohd. Hanif**
   Aged - 60 years,
   Occ. Housewife
   (Mother)
4. **Mohd. Irshad Mohd. Hanif**
   Aged – 38 years.
   Occ. Bank Manager
   (Brother)
5. **Salma Farheen Mohd. Irshad**
   Aged-35 Yrs. Occ. Housewife
   (Sister)
6. **Mohd. Amir Sohail Mohd. Hanif**
   Aged -29 Yrs., Occ. Business
   (Brother)
7. **Hine Parveen Sk. Azhar,**
   Aged – 30 Yrs. Occ. Unemployed
   Nos. 1 to 7 all R/o Millat Colony
   Akram Residency, Ganga Nagar,
   Akola Tq. & Distt. Akola
   (Sister)
8. **Sk. Hasan Sk. Chaand**
   Aged – 55 Yrs, Occ. Teacher
   (Uncle)
9. **Rizwana Parveen Sk. Hasan,** **APPLICANTS**
   Aged – 50 Yrs. Occ. Housewife
   Nos. 8 and 9 R/o Muzzafar Nagar,
   Near Abdul Function Hall Tq. and
   Dist. Akola

// V E R S U S //

1. **State of Maharashtra,**
   Through Police Station Officer
   Police Station Ramdaspeth
   Distt. Akola
2. **Juveriya Farheen Mohd. Arif**
   Aged 27 years,
   Occ. Housewife,
   R/o C/o Mohd. Javed Iqbal
   Firdaus Colony Bhawanipeth
   Akola 444001 **NON-APPLICANTS**

Mr. U.J. Deshpande, Advocate for the applicants.
Mr. H.D. Dubey, APP for the non-applicant no.1/State.
Mr. Parth L. Sagdeo, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 13.01.2026

O R A L J U D G M E N T :

1. Heard.

2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.

3. The present application is preferred by the applicants under Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short, 'BNS') for quashing of the First Information Report in connection with crime No.58/2025 registered at Police Station Ramdaspeth District Akola for the offences punishable under

Sections 85, 115(2), 352 and 3(5) of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short, 'BNS') and consequent proceeding arising out of same bearing RCC No.1095/2025 pending in the Court of Judicial Magistrate First Class, Akola.

4. Applicant No.1 is the husband and applicant Nos.2 to 9 are the nearest relatives of the husband are arrayed as an accused on the basis of report lodged by non-applicant No.2 – Juveriya Farheen Mohd. Arif on an allegation that her marriage was performed with the applicant No.1 on 07.02.2021. From the said wedlock she is having one son and one daughter. After marriage since 10.08.2021 she was subjected for physical and mental harassment at the hands of the present applicants.

5. It is alleged that applicant No.1 was having illicit relations with other ladies and on that count, he was ill treating her by demanding amount of Rs.10 lakhs and other applicants were instigating him and on their instigation he was ill-treated her. On the basis of said report, police have registered crime against the present applicants. During investigation, the Investigating Officer has recorded the relevant statements of the

witnesses and after completion of the investigation submitted the charge-sheet against the present applicants.

6. Heard learned counsel for the applicants who submitted that as far as the husband is concerned, against whom the allegation is levelled merely because there was matrimonial dispute arose between husband and wife and the other applicants are implicated merely because they are nearest relatives of the husband. As far as applicant Nos.2 to 9 are concerned, who are the in-laws, sister-in-law and brother-in-law of the non-applicant No.2. Applicant Nos.8 and 9 are residing separately. They are not at all concerned with the non-applicant No.2. Applicant Nos.4, 5, 6 and 7 are brothers and sisters of the applicant No.1. They are also residing separately. Considering the nature of the allegations which is general in nature and no specific instances are narrated by the non-applicant No.2 to show their involvement in the alleged incident. In view of that, the application deserves to be allowed.

7. Per contra, learned APP strongly opposed the said contention and submitted that considering the allegations levelled against the present applicants, prima-facie case is made out

against the applicants and hence, application deserves to be rejected.

8. Despite service of notice, none appears for the non-applicant No.2.

9. It is undisputed that the marriage between non-applicant No.2 and applicant No.1 was performed on 07.02.2021 and she is having one son and one daughter from the said wedlock. The relationship is also undisputed. The allegation levelled against the applicant No.1 is that he was having illicit relations with several ladies and he was demanding Rs.10 lakhs and on that count, applicant No.1 was physically and mentally ill treating her. As far as other applicants are concerned i.e. applicant Nos.2 to 9 against whom the general allegation is levelled that they were instigating the applicant No.1 and on their instigation applicant No.1 was harassing her.

10. Section 498-A of the Indian Penal Code prescribes punishment where a woman is subjected to cruelty by her husband or his relatives. The offence is punishable with imprisonment for a term which may extend to three years and also

provides for fine. The Explanation appended to the provision defines "cruelty" in two parts. Clauses (a) refers to 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 her life, limb or health, whether mental or physical. Clause (b) expands the scope of the term to include harassment with a view to coercing the woman or her relatives to meet any unlawful demand for property or valuable security, or on account of failure to meet such demand.

11. In the light of the above requirements to constitute the offence if the allegations levelled against the applicant Nos.2 to 9 are taken into consideration, admittedly no specific instances or specific allegations are levelled against them. Thus it is apparent that they are implicated merely because they are relatives of the applicant No.1. This aspect is considered by the Hon'ble Apex Court in the case of ***Dara Laxmi Narayana Vs. State of Telangana*** reported in ***Manu/SC/1309/2024*** wherein it is held that Family members of the husband ought not to be unnecessarily roped into criminal proceeding arising out of matrimonial discord. The Court observed that it has become a recurring tendency to

implicate every member of the husband's family, irrespective of their role or actual involvement merely because a dispute has arisen between the spouses. It was further held that where the allegations are bereft of specific particulars, and particularly where the relatives, sought to be prosecuted are residing separately or have had no connection with the matrimonial home, allowing the prosecution to proceed would amount to an abuse of the process of law.

12. In view of the above observations of Hon'ble Apex Court in the facts of this case is considered, admittedly, general and omnibus allegations is levelled against applicant Nos.2 to 9 and it is apparent that they are implicated merely because they are relatives of husband. In view of that continuation of proceeding against them would be an abuse of process of law. Therefore, the application deserves to be allowed.

13. In view of that I proceed to pass following the order:-

ORDER

(i) The Criminal Application is allowed.

(ii) The FIR in connection with Crime No.58/2025 registered at Police Station Ramdaspeth District Akola for the

offences punishable under Sections 85, 115(2), 352 and 3(5) of the BNS, 2023 and consequent proceeding arising out of same bearing RCC No.1095/2025 pending in the Court of Judicial Magistrate First Class, Akola are hereby quashed and set aside to the extent of applicant Nos.2 to 9 i.e.Mohd. Hatif Sk. Chand, Rasheeda Bano Mohd. Hanif, Mohd. Irshad Mohd. Hanif, Salma Farheen Mohd. Irshad, Mohd. Amir Sohail Mohd. Hanif, Hine Parveen Sk. Azhar, Sk. Hasan Sk. Chaand and Rizwana Parveen Sk. Hasan.

13. The criminal application stands disposed of in the above said terms.

Pending application, if any, also stands disposed of.

(URMILA JOSHI PHALKE, J.)

manisha

Signed by: Mrs. Manisha Shewale
Designation: PA To Honourable Judge
Date: 17/01/2026 17:08:43