



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

**CRIMINAL APPLICATION (APL) NO. 802 OF 2025**

**APPLICANTS**  
**Husband**

**:-** 1) Asad Khan s/o Irshad Khan,  
Aged about 46 years, Occupation:  
Business.

**Mother-in-law**

2) Abida wd/o Irshad Khan,  
Aged about 66 years, Occupation:  
Housewife.

Both applicant Nos.1 and 2 are R/o  
Plot No. 1385, near Arun  
Apartments, Kamptee Road, Buddha  
Nagar, Nagpur.

**Sister-in-law**

3) Tasneem Sheikh w/o Anwar Sheikh,  
Aged about 45 years, Occupation:  
Housewife, R/o Ansar Nagar, Near  
Samaj Bhavan, Mominpura, Nagpur.

**..VERSUS..**

**NON-**  
**APPLICANTS**

**:-** 1) The State of Maharashtra, through  
the Police Station Officer, Police  
Station Pachpaoli Tah. And District  
Nagpur.

2) Naziya Asad Khan,  
Aged about 43 years, Occupation:  
Housewife, R/o Plot No. 1385,  
Buddh Nagar, Near Arun Apartment,  
Kamptee Road, Nagpur-440017.

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Mr. Sanket Sushil Bhalerao, counsel for applicants.  
Mr. K.R. Lule, APP for non-applicant/State.  
Mr. R.S. Akbani, counsel for non-applicant No.2.

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

**DATE : 26/03/2026**

**ORAL JUDGMENT:**

1. Heard.

2. **ADMIT.** Heard finally with the consent of learned counsel for the applicant, learned APP for the non-applicant / State and learned counsel for the non-applicant No.2.

3. By this application, the applicants are seeking quashing of the FIR in connection with Crime No. 144/2025 registered with Police Station Pachpaoli, District Nagpur for the offence punishable under Sections 85, 115(2), 352, 351(2), 3(5) of Bhartiya Nyaya Sanhita, 2023 (BNS) and consequent proceedings bearing Regular Criminal Case No. 1980 of 2025, pending before the 3<sup>rd</sup> Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur.

4. The applicants are the husband and the nearest relatives of the husband, who approached this Court by invoking the jurisdiction under Section 528 of BNS for quashing of the FIR, which was lodged against them on the basis of report lodged by the non-applicant No.2. As per the allegations levelled in the said FIR, her marriage was performed with the applicant No.1 on 09/06/2008. After marriage, she resumed cohabitation at the house of the present applicants. It is alleged that initially, for some days,

she was treated well, and thereafter her husband, who was addicted to bad vices like drinking liquor, started raising quarrels with her. Whenever she disclosed this fact to her mother in law, the mother-in-law was also abusing her, and her sister-in-law was also instigating her husband. It is alleged by her that on 05/10/2022, her husband left her company and started residing at farmhouse. She visited the said farmhouse on two to three occasions, but applicant No.1 has denied to stay along with her husband. Therefore, she constrained to leave matrimonial house. It is further alleged by her that on 28/06/2024, when she was alone at the house, she was abused by her mother-in-law as well as her sister-in-law, and thereafter her husband, on their instigation, was assaulting her and abusing her. On the basis of the said report, police have registered the crime against the present applicants.

5. Learned counsel for the applicants submitted that as far as the allegations are concerned, which is general, omnibus and vague in nature. Though, they entered into a compromise, but it was not came into effect due to some reasons. He submitted that even accepting the allegations as it is, no offence is made out against the present applicants, as no specific instances or no willful conduct is narrated by the non-applicant No.2 to attract the offence punishable under Section 498-A of IPC. For all above these reasons, he prayed for quashing of the FIR.

6. Per contra, learned APP and learned counsel for the

non-applicant No.2 strongly opposed the said contentions and submitted that it was the applicant No.1 who did not comply with the terms and conditions of the settlement, and therefore the matter was not finally settled. It is further submitted that the applicant no.1 was addicted to bad vices and under the influence of liquor, he has tortured her. There was willful conduct on his part. As far as the applicants, who are the mother-in-law and sister-in-law are concerned, against whom also she has made the specific allegations. Therefore, a prima-facie case is made out, in view of that, the application deserves to be rejected.

7. After hearing both sides and on perusal of the entire investigation papers, especially the recitals of the FIR and the statements of the non-applicant No.2, the allegations levelled by her that the applicant No.1 was addicted to bad vices and was physically and mentally tortured her, as stated by her by stating his specific instances. His specific acts are also narrated by her as far as the husband is concerned. Thus, there is willful conduct on the part of the applicant No.1.

8. Coming to the aspect of the acts of the other applicants is concerned, admittedly, merely because they are the relatives of the husband of the non-applicant No.2, they appear to have been implicated in the alleged offence. It is alleged by her that the mother-in-law used to ask her that she has not brought dowry and she was not contributing monetarily to the family. Such type of allegations are very common in a domestic life and therefore would not be

sufficient to attract the offence punishable under section 498-A of IPC.

9. For the purpose of this section, “cruelty” means any willful 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 life, limb or health. The willful act or conduct ought to be the proximate cause in order to bring home the charge under Section 498-A of IPC. Thus, as far as the applicant Nos. 2 and 3 are concerned, the allegations are in the nature of wear and tear, which is common in domestic life, and that would not be sufficient to attract the offence punishable under Section 498-A of IPC. In view of that, the application deserves to be allowed partly.

### **ORDER**

- a] The criminal application is allowed partly.
- b] The FIR in connection with Crime No. 144 of 2025 registered with Police Station Pachpaoli, District Nagpur for the offence punishable under Sections 85, 115(2), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita, 2023 (BNS) and consequent proceedings bearing Regular Criminal Case No. 1980 of 2025, pending before the 3rd Joint Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur, is hereby quashed and set aside to the extent of applicant Nos. 2 and 3.

c] The prayer of the applicant No.1 for quashing of the FIR is hereby rejected.

10. Pending application(s), if any, stands **disposed of**.

(URMILA JOSHI PHALKE, J.)