



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 856 OF 2025

1. Bhagawan Namdeorao Gedam,
Aged about major Yrs., Occ. Nil,
2. Sunanda Bhagwan Gedam,
Aged about 60 Yrs., Occ. Housewife
3. Akash S/o Bhagwan Gedam,
Aged about 30 Yrs., Occ: Private,
4. Pravin S/o Bhagwan Gedam,
Aged About 33 Yrs., Occ: Private,
5. Ravina W/o Pravin Gedam,
Aged About 29 Yrs., Occ: Housewife,
All R/o. Plot No. 32, Pandurna road
Near Nagarjuna Celebration Loan,
Bahadura, Nagpur-440034.

APPLICANTS

Versus

1. The State of Maharashtra, Through
Panchpaoli Police Station Nagpur.
2. Jaishri W/o Sachin Gedam,
Aged about 28 Yrs., Occ: Private,
R/o. C/o Subhash Sidam, Netaji
Housing Society, Near Society car
Washing center, Gorewada,
Mankapur, Nagpur.

NON-APPLICANTS

Ms. R.V. Palaspagar, Advocate h/f Mr. P.S. Dhenge, Advocate for
the Applicants.

Mr. A.M. Joshi, APP for the Non-applicant No.1/State.

Mr. S.H. Nagrare, Advocate for the Non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 10th FEBRUARY, 2026.

ORAL JUDGMENT :-

1. Heard.

2. **ADMIT.** Heard finally by the consent of learned
Counsel for the respective parties.

3. The present Application is preferred by the
Applicants who are the in-laws under Section 528 of the
Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for quashing
of the First Information Report in connection with Crime
No.545/2024 registered with Police Station Mankapur, Nagpur
City for the offence punishable under Sections 85, 352, 351(2),
3(5), 115(2) of the Bharatiya Nyaya Sanhita (BNS) 2023 and
consequent proceeding arising out of the same bearing R.C.C.
No. 926/2025.

4. The crime is registered on the basis of a report lodged by the Non-applicant No.2 on an allegation that her marriage was performed with the co-accused Sachin Bhagwanji Gedam on 24.02.2023. After marriage she resumed the cohabitation at the house of the present Applicants. She was treated well for some days but on 14.03.2023 at about 11.00 p.m. the co-accused Sachin gagged her mouth and subjected her for forceful sexual assault. She further alleged that, she has disclosed the said incident to her in-laws but they have also abused her. It is further alleged by her that, her in-laws one or the other count used to abuse her and her mother-in-law was pulling her and assaulting her and they were interfering in the matrimonial life of her as well as her husband. She alleged that, on 11.06.2023 also her husband has assaulted her on her private parts and he has also assaulted her by disrobing her and humiliated her. On the basis of the said report Police have registered the crime against the present Applicants.

5. Heard learned Counsel for the Applicants who submitted that, merely because the dispute between the husband and wife this false FIR came to be lodged against the

present Applicants. As far as the allegations in the FIR even if it is taken into consideration as it is, no offence is made out against the present Applicants. He submitted that, as far as the Applicants are concerned, they are implicated merely because they are the family members of the husband of the Non-applicant No.2 on the basis of the general, omnibus and vague allegations. She submitted that, from the recitals of the FIR nowhere it reveals that there was wilful conduct and no specific instances are narrated as far the ill-treatment at their hands are concerned. For the above terms, the Application deserves to be allowed.

6. *Per contra*, learned APP and learned Counsel for the Non-applicant No.2 strongly opposed the said contentions and submitted that, specific allegations are levelled against all the Applicants, and therefore, the *prima facie* case is made out. It shows that the Applicants have ill-treated the Non-applicant No.2 and the said ill-treatment was not only physical but mental also. In view of that, the Application deserves to be rejected.

7. On hearing both the sides and on perusal of the entire investigation papers it reveals that, the allegations against

the present Applicants are that after marriage they have not only demanded the amount from the Non-applicant No.2 but they have physically and mentally harassed her. As far as the husband is concerned, against whom the specific allegations alongwith specific instances are narrated by the Non-applicant No.2. Considering the role attributed to the present Applicants except the reference, general and omnibus allegations are levelled and there is no specific instances are narrated by the Non-applicant No.2. It is now well settled that, mere reference of the relatives of the husband of the Non-applicant No.2 without assigning any specific role or specific instances, is not sufficient to attract the offence. In view of that, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i.** Criminal Application is **allowed**.
- ii.** The First Information Report in connection with Crime No. 545/2024 registered with Police Station Mankapur, Nagpur City for the offence punishable under Sections 85, 352, 351(2), 3(5), 115(2) of the Bharatiya Nyaya Sanhita (BNS) 2023 and

consequent proceeding arising out of the same bearing R.C.C. No. 926/2025, are hereby quashed and set aside to the extent of the present Applicants.

8. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)

S.D.Bhimte