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

CRIMINAL APPLICATION (APL) NO.889 OF 2025

1. Hafiz Ahamad s/o Israr Ahmed,
Aged about 39 Years,
R/o Post Sirsa Chauraha,
Paharpur, Handia, Allahabad,
Uttar Pradesh.
2. Israr Ahamad s/o Munauvar Ali,
Aged about 65 years,
R/o. Post Sirsa Chauraha, Paharpur,
Handia Allahabad,
Uttar pradesh.
3. Umme Kulsum @ Tabasum w/o
Israr Ahamad,
Aged about 58 years,
R/o. Post Sirsa Chauraha, Paharpur,
Handia, Allahabad,
Uttar Pradesh.
4. Sanjida Begum w/o Nafees Ahamad,
Aged about 45 years,
R/o Pahadapur, Sirsa,
PO: Handia, District Allahabad,
Uttar Pradesh.
5. Afarin Begum w/o Firoj Ahamad,
Aged about 39 Years,
R/o Pahadapur, Sirsa,
Allahabad, Handia,
Uttar Pradesh.
6. Laiq Ahmad s/o Israr Ahmad,
Aged about 29 Years,
R/o Village Pahadapur,
Post Sirsa Chauraha, Pahadapur,
Allahabad, Uttar Pradesh.
7. Afroz Ahmad s/o Israr Ahmad,
Aged about 37 Years,
R/o Village Phulvariya (Pahadapur),
Post Sirsa Chauraha, Paharpur,

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PO: Handia, District Allahabad,
Uttar Pradesh.

8. Haseeb Ahmad s/o Israr Ahmad,
Aged about 35 years,
R/o Paharpur, Phulvariya,
Sirsa, Allahabad, Uttar Pradesh.

.... APPLICANTS**// VERSUS //**

1. State of Maharashtra,
Through Police Station Officer,
Pachpaoli Police Station, Nagpur.
2. Shahista Begum w/o Hafiz Ahmad,
Aged about 38 years,
Occupation : Nil,
R/o. Gram Fulvariya, Pahadapur,
Post Sirsa, Tahsil Handia,
District Allahabad, Uttar Pradesh
and Habib Nagar, Near Aaks Masjid,
Plot No.107, Nera Vakil Ahmad House,
Pachpaoli, Nagpur.

....NON-APPLICANTS

Mr. Raghav Bhandarkar, Advocate for applicants.
Mr. Nikhil Joshi, APP for non-applicant No.1/State.
Mr. D. R. Galande, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/02/2026

ORAL JUDGMENT :

1. Heard.
2. **Admit.**
3. Heard finally with the consent of the learned Counsel
for the applicants, learned APP for the State and learned counsel
for the non-applicant No.2.

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4. Present application is preferred by the applicants, who are the husband and the nearest relatives of the husband to quash the First Information Report in connection with Crime No.989/2024 registered with Police Station Pachpaoli, Nagpur, District Nagpur for the offence punishable under Sections 85, 352 and 115 of the Bharatiya Nyaya Sanhita, 2023 and the consequent proceeding arising out of the same bearing charge sheet No.49/2025 dated 24.03.2025.

5. The present applicants are arraigned as an accused in connection with the above said crime on the basis of a report lodged by the non-applicant No.2, on an allegation that her marriage was performed with the applicant No.1 on 20.12.2008. Thereafter, she resumed the cohabitation, but after one year of the said marriage, the applicants started demanding Rs.10,00,000/- as dowry from the non-applicant No.2 and therefore, she approached to the Bharosa Cell, wherein the crime was registered under Sections 86, 115, 352 of BNS. It is alleged by her that on 05.10.2024, when she was at home the applicant No.1 has demanded an amount for the construction of the house and when said demand was not fulfilled, she was physically and mentally harassed by the present applicant No.1 as well as by the other applicants. On the basis of the said report, police have registered the crime against the present applicants.

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6. Heard learned counsel for the applicants, who submitted that as far as the applicant No.1 is concerned, merely because the dispute arose between husband and wife, he is implicated in the alleged offence and the other applicants merely because they are relatives of the husband, they are implicated in the alleged offence on the basis of omnibus, general and vague allegations. He submitted that even accepting the allegation as it is against the applicant Nos.2 to 8 are concerned, except the reference of their names, there is no specific role attributed to them, no willful conduct attributed to them. Thus, considering the *prima facie* case is absent against the applicant Nos.2 to 8, the application deserves to be allowed. As far as the applicant No.1 is concerned, he submitted that though she has narrated the incident dated 05.10.2024, but the FIR came to be lodged after that on 16.12.2024 and no explanation was given to the delayed FIR. He submitted that merely because the dispute arose between the husband and wife, this FIR came to be lodged against the husband. For all the above grounds, he prays for quashing of the FIR.

7. Per contra, learned APP strongly opposed the contention and submitted that as far as the husband is concerned, there is a specific allegation and on the instigation of others, the non-applicant No.2 was harassed by the husband. In view of that, the application deserves to be rejected. Learned

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counsel for the non-applicant No.2 also endorsed the same contention.

8. On hearing both sides and on perusal of the entire FIR and investigation papers, it is apparent that as far as the husband is concerned, she has specifically stated that the demand was by her husband and on that demand, as the demand is not fulfilled, she was ill-treated by the applicant No.1. But the applicant Nos.2 to 8 are concerned, except the reference of their names, there is absolutely no role attributed to them. Now it is well settled that mere reference of the names of the other relatives in absence of any evidence or specific instances, no *prima facie* case is made out against the present applicants and then the said allegations are to be nipped into the bud. In view of that, considering the general and sweeping allegations against the present applicants i.e. applicant Nos. 2 to 8, the application deserves to be allowed partly. As far as the applicant No.1 is concerned, against whom the specific allegations are levelled and therefore, the application deserves to be rejected as far as the applicant No.1 is concerned. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is **partly allowed**.
- (ii) The First Information Report in connection with Crime No.989/2024 registered with Police Station

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Pachpaoli, Nagpur, District Nagpur for the offence punishable under Sections 85, 352 and 115 of the Bharatiya Nyaya Sanhita, 2023 and the consequent proceeding arising out of the same bearing charge sheet No.49/2025 dated 24.03.2025, are hereby quashed and set aside to the extent of the applicant Nos 2 to 8.

(iii) The prayer of the applicant No.1 for quashing of the First Information Report is hereby rejected.

The application is disposed of.

(URMILA JOSHI-PHALKE, J)

Sarkate.