



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

CRIMINAL APPLICATION (APL) NO. 977 OF 2025

1. **Mohammad Irshad Sabri s/o**
Mohammad Akbar Sabri, **APPLICANTS**
Aged about 50 years,
Occupation : Business
2. **Mohammad Noman Sabri**
S/o Mohammad Irshad Sabri,
Aged about 18 years,
Occ. Student
3. **Mohammad Furkan Sabri**
S/o Mohammad Irshad Sabri,
Aged about 16 years.
Occ:- Student

The petitioner No.3 minor, through his father and natural guardian Mohammad Irshad Sabri, Petitioner No.1,
Petitioners are R/o Farid Khan's Chawl, Nai Basti, Mangalwari Bazar, Sadar Nagpur- 444001

// V E R S U S //

1. **The State of Maharashtra,** **NON-APPLICANTS**
Through Police Station Officer,
Police Station Sadar, Tq. and Dist.
Nagpur City, Nagpur
2. **Leena Mark Micheal,**
Aged about 45 years, Occ.
Household, R/o, House No.50 Rose
Villa Building, Nai Basti Behind
Handicap's School, near
Mangalwari Bazar, Sadar, Nagpur

Mr. A.B. Mirza, Advocate for the applicants.
Mr. A.M. Joshi, APP for non-applicant No.1 /State.
Mr. S.S. Ahmad, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 23.02.2026

ORAL JUDGMENT :

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 applicants for quashing of the First Information Report in connection with crime No.53/2025 registered at Police Station Sadar District Nagpur City for the offences punishable under Sections 296, 351(2), 3(5) and 352 of the Bharatiya Nyaya Sanhita, 2023, charge-sheet No.439/2025 having SCC No.7918/2025
4. The brief facts of the prosecution case which are necessary for the disposal of the application are as under:-

FIR came to be registered against present applicants on the basis of the report lodged by Leena Mark Michael on an allegation that present applicants who are residing in her neighbourhood and there is dispute regarding ownership right of the house and construction of the upper portion. The applicant No.1 who lives on the upper floor and his son applicant No.2 both of them started fighting with her daughter. When the complainant intervened, applicant Nos.1 and 2 started abusing the complainant and her daughter in filthy language. On the basis of the said report police have registered crime against the applicants. After registration of crime Investigating Officer recorded the relevant statements of the witnesses and after completion of the investigation submitted charge-sheet against the present applicants.

5. Heard learned counsel for the applicants who submitted that applicant Nos.2 and 3 are the students and applicant No.1 is their father. Due to the previous disputes they are implicated in the alleged offence. He submitted that even accepting the allegation as it is on its face value no prima-facie case is made out against the present applicants. In view of that

application deserves to be allowed. He submitted that by no stretch of imagination it can be said that there was any lascivious elements arousing the sexual thoughts. Therefore, offence under Section 296 of the IPC is not made out.

6. Per contra, learned APP and learned counsel for the complainant strongly opposed the application on the ground that considering the allegations levelled against the present applicants which sufficiently show that the applicants have abused the complainant and her daughter in a filthy language and therefore, offence is made out against them. In view of that, application deserves to be rejected.

7. After considering the rival submissions of both the parties and on perusal of the entire investigation papers, only allegation is that present applicants abused the informant and her daughter in a filthy language. The languages are not specifically stated by the complainant. This aspect is further considered by the Hon'ble Apex Court in the case of **Om Prakash Ambadkar Vs. The State of Maharashtra and Ors.**, reported in *Manu/SC/0134/2025* by referring the judgment of **N.S. Madan**

Gopal and another vs. K. Lalita reported in (2022) 17 SCC 18

wherein it is observed that it has to be noted that “the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings or words cannot attract the offence under Section 294(b). None of the records disclose the alleged words used by the accused. It may not be the requirement of law to reproduce in all cases the entire obscene words if it is lengthy, but in the instant case, there is hardly anything on record. Mere abusive, humiliating or defamative words by itself cannot attract an offence under Section 294(b) IPC to prove the offence under Section 294(b) of IPC. It is further observed that mere utterance of obscene words are not sufficient but there must be a further proof to establish that it was to the annoyance of others, which is lacking in the case”. In the present case also the further proof that words used was sufficient create the annoyance to others is lacking. There has nothing on record to show that the words spoken by the present applicants created the annoyance to them and therefore, the offence is made out. In fact in absence of the words and mere abuses are not sufficient to attract the offence punishable under Section 294 of IPC.

8. As far as offences under Sections 504 and 506 are concerned, admittedly in view of the definition given under Section 503 of the IPC regarding criminal intimidation which reads as “Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation. Thus, applying the ingredients of the offence to the facts of the present case, admittedly the offence under Sections 504 and 506 is also not made out in the present case. In view of that the application deserves to be allowed.

9. Hence, I proceed to pass the following order:-

ORDER

- (i) The Criminal Application is allowed.
- (ii) The First Information Report in connection with crime No.53/2025 registered at Police Station Sadar District Nagpur City for the offences punishable under Sections 296, 351(2), 3(5) and 352 of the Bharatiya Nyaya Sanhita, 2023,

charge-sheet No.439/2025 having SCC No.7918/2025 is quashed and set aside to the extent of applicant Nos.1 to 3 namely Mohammad Irshad Sabri, Mohammad Noman Sabri and Mohammad Furkan Sabri.

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

Pending applications, if any, also stand disposed of.

(URMILA JOSHI PHALKE, J.)

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