



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

CRIMINAL APPLICATION (APL) NO. 983 OF 2025

1. Milind Namdev Rathod (husband),
Aged about 38 years, Occ:
Kakadati Tq. Pusad Dist. Yavatmal.
2. Namdev Nura Rathod (father in law),
Aged about 66 years, Occ: Nil,
3. Sumanbai Namdev Rathod (mother-
in-law)
Aged about 55 years, Occ: Household,
4. Sandip Namdev Rathod (brother-in-
law)
Occ. 36 years, Occ. Government job,
5. Shital Sandip Rathod (sister in law),
Aged about 33 years, Occ: Household,
Applicant Nos. 2 to 5 reside at
Urjanagar Vasahat, Tq. & Dist.
Chadrapur.
6. Alka Vasanta Jadhav (sister in
law(nanad))
Aged about 34 years, Occ: Household,
7. Vasanta Mangu Jadhav (brother in
law (nandoi))
Aged about 45 years, Occ: Labour,
Applicant Nos. 6 & 7 reside at Parava
Tq. Pusad Dist. Yavatmal.

APPLICANTS

Versus

1. The State of Maharashtra,
Thr. the Police Station Officer, Police
Station Pusad (Gramin), Tah. Pusad
Dist. Washim.
2. Durgabai Milind Rathod,
Aged 28 years, Occ: Private job,
R/o Manikdoh Tq. Pusad
Dist. Yavatmal.

NON-APPLICANTS

Mr. Rizwan Khan, Advocate h/f Mr. S.S. Sheikh, Advocate for
the Applicants.

Mr. N.H. Joshi, APP for the Non-applicant No.1/State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 04th MARCH, 2026.

ORAL JUDGMENT :-

1. Heard.
2. **ADMIT.** Heard finally by the consent of learned
Counsel for the Applicants and learned APP for the Non-
applicant No.1/State.
3. Despite the Non-applicant No.2 is served none
appears for the Non-applicant No.2.

4. The present Application is preferred by the Applicants who are the husband and nearest relatives of the Non-applicant No.2 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for quashing of the First Information Report in connection with Crime No.821/2023 registered with Police Station Pusad (Rural), District Yavatmal for the offence punishable under Sections 498-A, 504, 506, 323 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No.162/2024.

5. 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 Applicant No.1 on 02.08.2020. After marriage the Applicant No.1 insisted her to bring Rs. 1 Lakh from her parents for purchasing a vehicle and on that count she was abused and assaulted by him. She has specifically stated that on 26.07.2023 she was abused and assaulted on the demand of money, and therefore, she was constrained to leave the matrimonial house.

6. Heard learned Counsel for the Applicants, who submitted that general, omnibus and vague allegations are

levelled against the present Applicants without specifying any specific instance. Merely because the dispute arose between the husband and wife, this FIR came to be lodged. He submitted that, considering the nature of the offence, no *prima facie* case is made out against the present Applicants. In view of that, the Application deserves to be allowed.

7. *Per contra*, learned APP strongly opposed the said contention and submitted that, as far as the Applicant No.1/husband is concerned, there is specific allegation levelled against him regarding the demand of money as well as physical and mental cruelty. Thus, wilful conduct is on the part of the Applicant No.1 and hence the Application deserves to be rejected.

8. After hearing both the sides and on perusal of the entire investigation papers and especially the recitals of the FIR as far as the husband is concerned against whom the specific allegation alongwith the specific instances are narrated by the Non-applicant No.2 regarding the physical and mental assault and the unlawful demand. Thus, there is a wilful conduct on the part of the Applicant No.1, which is of such a nature to drive her

to commit suicide or to cause grave injury or danger to life, limb or health, and therefore, she constrained to leave the matrimonial house. There was harassment to the Non-applicant No.2 with a view to coercing her to meet the unlawful demand. Thus, as far as the Applicant No.1 is concerned, there is specific allegations against him, and therefore, the *prima facie* case is made out against the Applicant No.1. The Applicant Nos. 2 to 7 are the nearest relatives of the husband of the Non-applicant No.2. Except the reference of their names there is no specific allegation levelled against them without specifying any specific instances. Thus, general, omnibus and vague allegations are levelled against the Applicant Nos. 2 to 7. Now, it is settled law that, mere reference of the names of the relatives is not sufficient to constitute the offence against them unless specific instances are narrated by the Non-applicant No.2. In view of that, the Application deserves to be allowed partly. Accordingly, I proceed to pass the following order.

ORDER

- i. Criminal Application is **allowed partly**.
- ii. The prayer of the Applicant No.1/Milind Namdev Rathod, for quashing of the FIR, is hereby rejected.

iii. The First Information Report in connection with Crime No. 821/2023 registered with Police Station Pusad (Rural), District Yavatmal for the offence punishable under Sections 498-A, 504, 506 323 read with Section 34 of the Indian Penal Code and consequent proceeding arising out of the same bearing R.C.C. No.162/2024, are hereby quashed and set aside to the extent of Applicant Nos. 2 to 7.

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

(URMILA JOSHI PHALKE, J.)

S.D.Bhimte