



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

CRIMINAL APPLICATION (APL) NO. 1034 OF 2025

Shabana w/o Mosin Khan and another
Vs.

State of Maharashtra, through Police Station Officer, Police Station
Nagpuri Gate, Amravati and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. K. Bhangde, Advocate h/f Mr. A. K. Bhangde, Advocate for
applicants.
Mr. A. M. Kadukar, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/01/2026

1. The present application is preferred by the applicants for quashing of the First Information Report (in short "FIR") in connection with Crime No.0086/2025 registered with Police Station Nagpuri Gate, Amravati, District Amravati for the offence punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3 and 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 and consequent proceeding arising out of the same bearing RCC No.902/2025 pending in the Court of Judicial Magistrate First Class, Court No.9, Amravati.

2. The applicant No.1 is the sister-in-law and the applicant No.2 is the mother-in-law. The crime is registered against them on the basis of a report

lodged by the informant – non-applicant No.2, on an allegation that her marriage was performed with co-accused Asfaq s/o Mustak Pathan on 23.12.2018. After marriage, she resumed cohabitation at the house of the present applicants and the other co-accused. However, the co-accused Asfaq s/o Mustak Pathan was addicted to bad vices and under the influence of liquor, he used to physically as well as mentally harass her. As far as the present applicants are concerned, it is alleged that they have instigated the other co-accused and on their instigation, the other co-accused used to harass her physically as well as mentally. On the basis of the said report, police have registered the crime against the present applicants.

3. Heard learned counsel for the applicants, who submitted that as far as the allegations are concerned against the present applicants, which are general, vague and omnibus in nature. No specific instances are narrated as well as no specific role is attributed against the present applicants. Except the instigation, no other material is brought on record to show that they have intention to harass the informant. They are arraigned as an accused merely because they are the nearest relatives of the husband. In view of that, the FIR registered against them deserves to be quashed. He also placed reliance on the decision of this Court in **Criminal Application (APL) No.672/2022 [Sou. Bijli**

Sanjit Sarkar & Ors. Vs. State of Maharashtra]
decided on 06.11.2025 and submitted that the identical facts are in the present case also, and therefore, the application deserves to be allowed.

4. Learned APP strongly opposed the same and submitted that considering the statement of the informant before the Investigating Agency, wherein she has narrated in detail as to her ill-treatment, and therefore, *prima facie* case is made out against the present applicants. In view of that, the application deserves to be rejected.

5. Despite service of notice to the non-applicant No.2, none appears. The applicant has also filed the affidavit of service.

6. On hearing both sides and on perusal of the investigation papers as far as the recitals of the FIR are concerned, which shows that the entire allegation are levelled against the present applicants are general in nature. No specific instances are narrated by the non-applicant No.2 as far as the ill-treatment at the hands of the present applicants is concerned. A careful scrutiny of FIR shows that vague, general and omnibus allegations are levelled against the present applicants regarding ill-treatment for various reasons.

7. At this stage reference can be given to Section 498-A of IPC, which reads as under:

"498A. Husband or relative of husband of a woman subjecting her to cruelty.— Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine."

Explanation.—For the purpose of this Section, "cruelty" means-

(a) any wilful 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 (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

8. The Hon'ble Apex Court in the case of **Kahkashan Kausar Vs. State of Bihar** reported in **(2022) 6 SCC 599**, by considering the various decisions, rendered by the Hon'ble Apex Court in the subject matter, observed in para. 17 as under:

"The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the

complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them."

9. The tendency of implicating all the relatives is also commented by the Hon'ble Apex Court in the case of **Dara Lakshmi Narayana & Ors Vs. State of Telangana, MANU/SC/1309/2024** wherein it is held that family members of the husband ought not to be unnecessarily roped into criminal proceedings arising out of matrimonial discord. The Court observed that it has become a recurring tendency to implicate every member of the husband's family, irrespective of their role or actual involvement, merely because a dispute has arisen between the spouses.

10. In view of the above observations, if the facts of the present case are taken into consideration, it reveals that the present applicants, who are the mother-in-law and sister-in-law are implicated merely because they are the relatives of the husband. As far as the allegations are concerned, no specific instances or specific allegations are levelled against them. Considering the nature of the allegations, the

application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) The application is **allowed**.

(ii) The First Information Report in connection with Crime No.0086/2025 registered with Police Station Nagpuri Gate, Amravati, District Amravati for the offence punishable under Section 85 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 3 and 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 and consequent proceeding arising out of the same bearing RCC No.902/2025 pending in the Court of Judicial Magistrate First Class, Court No.9, Amravati, are hereby quashed and set aside to the extent of the present applicants.

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

(URMILA JOSHI-PHALKE, J.)