



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

CRIMINAL APPLICATION (APL) NO. 1052 OF 2025

1. Hakim S/o Jammal Shaikh,
Aged about 60 yrs., Occ: Business, R/
o- Madhukar Nagar, Sudarshan Nagar,
Pusad, Dist. Yavatmal 445216 (Father
in Law).
2. Rukhsana Bi W/o Hakim,
Aged about 56 yrs., Occ: House Wife,
R/o- Madhukar Nagar, Sudarshan
Nagar, Pusad, Dist. Yavatmal - 445216
(Mother in Law).
3. Shaikh Nazim S/o Hakim Shaikh,
Aged about 34 yrs., Occ: Business,
R/o- Madhukar Nagar, Sudarshan
Nagar, Pusad, Dist. Yavatmal 445216
(Brother in Law).
4. Shaikh Wasim S/o Hakim Shaikh,
Aged about 38 yrs., Occ: Business,
R/o- Madhukar Nagar, Sudarshan
Nagar, Pusad, Dist. Yavatmal 445216
(Brother in Law).
5. Sumayya Parveen W/o Shaikh Akbar,
Aged about 36 yrs., Occ: House Wife,
R/o- Sudarshan Nagar, Pusad,
Dist. Yavatmal 445216.
(Sister in Law).

APPLICANTS

Versus

1. The State of Maharashtra,
Thr. Police Station Officer Manora,
Police Station Manora, Dist. Washim.
2. Shagufta Parveen W/o Shaikh Musa,
Aged about 30 yrs., Occ: House Wife,
R/o- C/o- Shaikh Ameen Shaikh
Ameer, At Post-Vitholi, Tah. Manora,
Police Station Manora, Dist. Washim
(Complainant).

NON-APPLICANTS

Mr. A.Z. Mirza, Advocate for the Applicants.
Mr. N.B. Jawade, APP for the Non-applicant No.1/State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 26th FEBRUARY, 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.

4. The present Application is preferred by the Applicants who are the in-laws 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.130/2025 registered with Police Station Manora, District Washim for the offence punishable under Sections 85 and 3(5) of the Bharatiya Nyaya Sanhita (BNS) 2023 and Section 4 of the Dowry Prohibition Act and consequent proceeding arising out of the same bearing R.C.C. No.74/2025.

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 Shaikh Musa Shaikh Hakim on 18.11.2021. All the expenses are incurred by her parents. After marriage she went to cohabit with co-accused Shaikh Musa Shaikh Hakim and she was ill-treated by saying that they were not respected properly in the marriage. After some days they started abusing her on the count that she should not deliver the female child. On that count also, there was abuses and assault

on her. After delivery when she resumed the cohabitation she was not allowed to enter the house. On the basis of the said report Police have registered the crime against the present Applicants.

6. Heard learned Counsel for the Applicants, who submitted that, the Applicants are the nearest relatives of the husband of the Non-applicant No.2. As far as the allegations against them are concerned, which are general, omnibus and vague in nature. No specific instances are narrated as far as the ill-treatment or the threatening is concerned. Merely because the dispute arose between the husband and wife, being they are the nearest relatives they are implicated in the alleged offence. In view of that, the Application deserves to be allowed.

7. *Per contra*, learned APP strongly opposed the said contention and submitted that, the allegation is that she was threatened for not giving the birth to a female child. This itself is sufficient to attract the offence punishable under Section 498-A of IPC (Section 85 of BNS), and therefore, the Application deserves to be rejected.

8. After hearing both the sides and on perusal of the entire investigation papers, admittedly, the Applicant Nos. 1 and 2 are the in-laws, Applicant Nos. 3 and 4 are the brother-in-law and Applicant No.5 is the sister-in-law. Except the reference of the names of the Applicants there is no specific allegations against any of them while narrating any specific instance. No wilful conduct is narrated on their part. Thus, the ingredients of the Section 498-A of IPC (Section 85 of BNS) are not made out against the present Applicants. Now, it is settled law that, mere reference of the names of the relatives is not sufficient unless specific instances are narrated. 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. 130/2025 registered with Police Station Manora, District Washim for the offence punishable under Sections 85 and 3(5) of the Bharatiya Nyaya Sanhita (BNS) 2023 and Section 4 of the Dowry Prohibition Act (Charge-sheet No.58/2025) and

consequent proceeding arising out of the same bearing R.C.C. No.74/2025, are hereby quashed and set aside to the extent of the present Applicants.

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

(URMILA JOSHI PHALKE, J.)

S.D.Bhimte