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

CRIMINAL APPLICATION (APL) NO.1126 OF 2025

1. Aftab Arif Hussain,
(Accused No.2 shown in the charge sheet)
Aged 45 Years,
Indian Inhabitant,
Occupation : Business,
R/at-A-147, Haji Empire,
Nehru Road, Vakola Bridge,
Santacruz – East,
Mumbai – 400055.
2. Rizwan Hussain Zariwala,
(Accused No.3 shown in the charge sheet)
Aged 40 Years,
Indian Inhabitant,
Occupation : Business,
R/at-Dowri Nagar, Gate No.1,
Nehru Road, Vakola Bridge,
Santacruz – East,
Mumbai – 400056.
3. Ayesha Aftab Hussain,
(Accused No.4 shown in the charge sheet)
Aged 45 Years,
Indian Inhabitant,
Occupation : Housewife,
R/at-A/147, Haji Empire,
Nehru Road, Vakola Bridge,
Santacruz – East,
Mumbai – 400055.
4. Anjum Bano Arif Zariwala,
(Accused No.5 shown in the charge sheet)
Aged 43 Years,
Indian Inhabitant,
Occupation : Business,
R/at-Dowri Nagar, Gate No.1,
Nehru Road, Vakola Bridge,
Santacruz – East,
Mumbai – 400056.
5. Rukhsaana Arif Zariwala,

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(Accused No.6 shown in the charge sheet)
Aged 45 Years,
Indian Inhabitant,
Occupation : Housewife,
R/at Dowri Nagar, Gate No.1,
Nehru Road, Vakola Bridge,
Santacruz – East,
Mumbai – 400056.

.... APPLICANTS

// VERSUS //

1. The State of Maharashtra,
At the instances of Akot City
Police Station.
2. Nasreen Parveen Shaikh Altamash
An adult Indian Inhabitant,
Occupation : Housewife,
R/at – Firdaus Colony,
Gazhi Plot, Akot,
Akola, Maharashtra.

....NON-APPLICANTS

Mr. Arvind Kumar Tiwari, Advocate for applicants.
Ms. M. A. Barabde, APP for non-applicant No.1/State.
Mr. A. B. Mirza, 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.
4. Present application is preferred by the relatives of the
husband of the non-applicant No.2 for quashing of the First

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Information Report in connection with Crime No.119/2023 registered with Police Station Akot City, District Akola for the offence punishable under Sections 498-A, 323, 504 and 506 of the Indian Penal Code, and consequent proceeding arising out of the same bearing RCC No.98/2025 pending before the 2nd Joint Civil Judge Junior Division and Judicial Magistrate First Class, Akot, District Akola.

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 co-accused Sheikh Altamash on 06.09.2015 and there was reception of her marriage. During that reception, due to the makeup, some reaction was there, and therefore, there was a black spot and on that count, the applicants started ill-treating her by saying that they disliked her. It is further alleged that the husband of the non-applicant No.2 was ill-treating her physically as well as mentally and by abusing and assaulting her, as she was having a black spot on her face as well as by demanding some amount. 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 as far as the present applicants are concerned, who are the nearest relatives of the husband of the

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non-applicant No.2 and no specific role is attributed to them except reference of their names, no specific role is attributed to them nor any willful conduct on their part. Thus, no *prima facie* case is made out against them. In view of that, the application deserves to be allowed.

7. Per contra, learned APP and learned counsel for the non-applicant No.2 /complainant submitted that in furtherance of the common intention of the applicants, they have ill-treated the non-applicant No.2 and due to which, she constrained to leave the matrimonial house and staying at her parent's house. In view of that, the application deserves to be rejected.

8. On hearing both sides and on perusal of the entire FIR and the investigation papers, it reveals that the on the basis of the general, omnibus and sweeping allegations, the present applicants, who are the nearest relatives of the husband of the non-applicant No.2, they are implicated in the alleged offence. No specific role is attributed to them, no specific instances are narrated. Thus, except the reference of their names, there is nothing to show that they have also sharing the common intention with the other accused, who is the husband of the non-applicant No.2. Thus, in view of the settled principle laid down by the Hon'ble Apex Court that mere reference in absence of any specific act on the part of the present applicants is not

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sufficient to attract the offence punishable under 498-A of IPC, 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.119/2023 registered with Police Station Akot City, District Akola for the offence punishable under Sections 498-A, 323, 504 and 506 of the Indian Penal Code, and consequent proceeding arising out of the same bearing RCC No.98/2025 pending before the 2nd Joint Civil Judge Junior Division and Judicial Magistrate First Class, Akot, District Akola, is hereby quashed and set aside to the extent of the present applicants.

The application is disposed of.

(URMILA JOSHI-PHALKE, J)