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

CRIMINAL APPLICATION (APL) NO.1284 OF 2025

1. Pratik Dadarao Gawai,
Aged about 38 Years,
Occupation : Private,
2. Dadarao Mukundrao Gawai,
Aged about 67 Years,
Occupation : Retired,
3. Manda Dadarao Gawai,
Aged about 60 Years,
Occupation : Household,
Applicants 1 to 3 all
R/o. Malsankhel Kapustalni,
Amravati, Anjangaon,
Surji, District Amravati – 444705.
4. Priya Nilesh Wankhede,
Aged about 41 years,
Occupation: Nil,
R/o. W/o. Nilesh Wankhede,
At Post Harisal, Dharni,
District Amravati – 444702.
5. Tejaswini w/o Rahul Kamble,
Aged about 36 Years,
Occupation : Household,
R/o. Near B.S.N.L. Tower,
Balaji Nagar, Kapustalani,
Taluka Anjangaon,
Amravati.
6. Shubhangi w/o Ganesh Khobragade,
Age about 34 Years,
Occupation : Household,
R/o. New Khaskil Wada,
Sindhudurg, District Raigad.

.... APPLICANTS

// VERSUS //

1. State of Maharashtra,
Through its Police Station Officer,
Police Station, Khadan,

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District Akola.

2. Nikita Pratik Gawai,
Aged about 28 Years,
Occupation : Unknown,
R/o. Suyog Colony,
Malkapur, Akola.

....NON-APPLICANTS

Mr. N. S. Warulkar, Advocate for applicants.

Mr. N. B. Jawade, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 10/02/2026

ORAL JUDGMENT :

1. Heard.

2. **Admit.**

3. Heard finally with the consent of the learned Counsel for the applicants and learned APP for the State. Despite the service of the notice, none appears for the non-applicant No.2.

4. Present application is preferred by the husband of the non-applicant No.2 and the in-laws for quashing of the FIR in connection with Crime No.398/2025 registered with Police Station Khadan, District Akola for the offence punishable under Sections 85, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS').

5. The crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that her marriage with the applicant No.1 was performed on 07.06.2023. In the

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said marriage, her father has incurred the expenses. After marriage, she resumed cohabitation, but she was treated well for some days. It is alleged by her that when she was not well, she was not treated well by the present applicants. She further alleged that the other applicants i.e. applicant Nos.2 to 6 were instigating her husband and on their instigation, her husband was abusing her as well as ill-treating her. 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 applicant Nos.2 to 6 are concerned, against whom general, omnibus and vague allegations are levelled. Even considering the case of the husband, there is only allegation that he was instigated by the other applicants and on that count, he was ill-treating her. No specific instances are narrated by the non-applicant No.2 and therefore, no *prima facie* case is made out against any of the accused/applicants and therefore, the application deserves to be allowed.

7. Per contra, learned APP strongly opposed the said contention and submitted that considering the matrimonial dispute arose between the husband and wife and it is specifically narrated by the non-applicant No.2 that she was subjected for

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the ill-treatment at the hands of all the applicants, and therefore, the application deserves to be rejected.

8. On hearing both sides and on perusal of the entire investigation papers, it reveals that as far as the applicant Nos.2 to 6 are concerned, who are the father-in-law, mother-in-law and sisters-in-laws. As far as the applicant Nos.4, 5 and 6 are concerned, they are already married and residing at their respective matrimonial house. No specific instances are narrated to show that they visited the house of the non-applicant No.2 and subjected her for the ill-treatment. As far as the allegations against them is concerned, which is sweeping allegation without specifying any specific instances.

9. Considering the entire recitals of the FIR, admittedly, no *prima facie* case is made out against the applicant Nos.2 to 6 as general, vague and sweeping allegation is levelled against them. It is now well settled that mere reference of the names of the relatives without assigning any specific role is not sufficient to attract the offence punishable under Section 498-A of the Indian Penal Code/Section 85 of the BNS. Thus, considering the recitals of the FIR, no *prima facie* case is made out against the present applicant Nos.2 to 6, therefore application deserves to be allowed partly. Accordingly, I proceed to pass following order:

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ORDER

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

(ii) The FIR in connection with Crime No.398/2025 registered with Police Station Khadan, District Akola for the offence punishable under Sections 85, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and the subsequent proceeding arising out of the same bearing charge sheet No.203/2025, are hereby quashed and set aside to the extent of the present applicant Nos.2 to 6.

(iii) The prayer of the applicant No.1 - **Pratik Dadarao Gawai** for quashing of the FIR is hereby rejected.

The application is disposed of.

(URMILA JOSHI-PHALKE, J)