



Judgment

15 apl1453.25

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION APL NO.1453 OF 2025

Yatin s/o Madhukarrao Ninawe,
aged about – 32 years, occupation – private
r/o flat No.301, Atharva Classic, Dighori Chowk,
Manewada Ring Road, Nagpur,
and
r/o Andhalgaon, district – Bhandara. **Applicant.**

:: V E R S U S ::

1. State of Maharashtra,
through Police Station Bhadrawati,
district Chandrapur.

2. Shraddha w/o Yatin Ninawe,
aged about 30 years, occupation – private,
r/o c/o Nandkishor Waghade,
Guru Nagar, near Dongre Welding Work
Bhadrawati,
district Chandrapur – 442 902. **Non-applicants.**

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Ms Harsha Joshi, Counsel for the Applicant.
APP for NA No.1/State.
Shri M.V.Rai, Counsel for NA No.2.

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CORAM : **URMILA JOSHI-PHALKE, J.**
DATE : **27/02/2026**

ORAL JUDGMENT

1. Heard. **Admit.** Heard finally by consent.

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2. By this application, the applicant is seeking quashing of FIR in connection with Crime No.190/2025 registered with the non-applicant No.1 police station for offence under Section 85 of the BNS and consequent proceeding arising out of the same bearing RCC No.136/2025 pending on the file of learned JMFC, Bhadrawati.

3. The crime is registered on the basis of a report lodged by non-applicant No.2 (the complainant) on allegations that her marriage was performed with the applicant on 8.12.2023. After the marriage, she resumed cohabitation, but she was not treated well by the applicant and she was ill-treated on various grounds including that she is not good looking and, therefore, she was constrained to leave the matrimonial house. When she resumed cohabitation on 2.9.2024, she was restrained from entering into the house and it is specifically informed her that the applicant will not cohabit with her.

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On the basis of the said report, the police have registered the crime against the applicant.

4. After registration of the crime, investigation started rotating. During the investigation, the investigating officer has recorded relevant statements of witnesses.

5. Learned counsel for the applicant submitted that as the applicant has filed divorce petition, to give a counter blast to the said divorce petition, this FIR came to be lodged.

She further invited my attention to certificate of “The National Aids Control Organization” and submitted that she is found to be positive and this fact is concealed by her at the time of the marriage.

Thus, she submitted that on the basis of general, omnibus, and vague allegation, the applicant is implicated in the false false offence.

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She submitted that now investigation is completed and no *prima facie* case is made out against the applicant.

In view of that, the application deserves to be allowed and the FIR deserves to be quashed and set aside.

6. *Per contra*, learned APP for the State and learned counsel for the complainant submitted that as far as certificate of “The National Aids Control Organization” is concerned, it is recently issued on 18.5.2024. At the time of the marriage the complainant was suffering from disease, nothing is on record to reveal the same. In view of that, the allegation that she has suppressed the fact is not sustainable.

7. Learned counsel for the complainant has also invited my attention towards communications and submitted that initially also she filed the complaint with the Women Cell and statement at the Women Cell was also recorded as there was no settlement between the parties and, therefore, the FIR came to be lodged.

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Thus, there is a *prima facie* material against the applicant. In view of that, the application deserves to be rejected.

8. After hearing both sides and perusing the entire investigation papers, it reveals that the allegation levelled against the applicant is that he has subjected her for ill-treatment for various reasons including domestic reasons and, therefore, she was constrained to leave the matrimonial house. After living at her parental house for some days, she again resumed cohabitation, but she was not allowed to resume cohabitation only on the ground that she is not good looking. The applicant has restrained her from entering into the house. Thereafter, she has filed complaint with the Women Cell. The statement of the complainant was recorded at the Women Cell. The applicant was also called there for conciliation. The statement of the applicant was also recorded at that place. The applicant has preferred divorce petition. All these aspects sufficiently, at this stage, show that

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there was no cordial relations between the applicant and the complainant. The willful conduct of the applicant, which is of such a nature that has driven her to leave the matrimonial house, is sufficient to attract the offence under Section 498-A of the IPC. At this stage, a *prima facie* case is made out against the applicant.

9. In view of that, the application deserves to be rejected. Accordingly, the application is **rejected** and **disposed of**.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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