



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

CRIMINAL APPLICATION (APL) NO. 1468 OF 2025

Dr. Sukhpreetkaur D/o Balvir Singh
Multani,
Aged about 27 years,
Occ. Physiotherapist Doctor,
R/o Plot No. 77, Beside Mhasiyawala,
Gurudwara, Deepak Nagar, Nari Road
Nagpur, Tah. and Dist. Nagpur.

APPLICANT

Versus

1. The State of Maharashtra,
Thr. Police Station Officer, Police
Station, Kapil Nagar, Nagpur, Tah. and
Dist. Nagpur.
2. Sau. Rajindra Kaur W/o Balwant
Singh Guman,
Aged about 51 years, Occ. Household,
R/o Deepak Nagar, Plot No. 40 Near
Mhasiyawala, Gurudwara, Nagpur,
Tah. and Dist. Nagpur.

NON-APPLICANTS

Mr. H.S. Meshram, Advocate for the Applicant.
Ms. H.N. Prabhu, APP for the Non-applicant No.1/State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 08th APRIL, 2026.

ORAL JUDGMENT :-

1. Heard.
2. **ADMIT.** Heard finally by the consent of learned Counsel for the Applicant and learned APP for the Non-applicant No.1/State.
3. Despite the service of notice none appears for the Non-applicant No.2.
4. The present Application is preferred by the Applicant under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the First Information Report in connection with Crime No.355/2023 registered with Police Station Kapil Nagar, District Nagpur for the offence punishable under Sections 294, 504, 506, 143 and 149 of the Indian Penal Code and consequent proceeding arising out of the same bearing Charge-sheet No.28/2024.
5. The crime is registered on the basis of a report lodged by the Non-applicant No.2/Rajindra Kaur at the Police Station on an allegation that she is residing at Deepak Nagar, Plot No.14 near Mhasiyawala Gurudwara, Nagpur alongwith her family. In October 2022, the said plot was purchased by

them from one Kamaljitsingh Sharan. The said plot is in the name of Informant. The said plot was purchased by Kamaljitsharan from one Nanaksingh Gotara in the year 2020 and he is residing with his family in the said locality. Nanaksingh Gotara and his relatives including the present Applicant used to raise quarrel with the husband of the Informant and also threatened her that they may indulge her husband in a false criminal prosecution and also used to humiliate him and his family members. It is further alleged that, on 07.07.2023 at about 11:00 pm to 12:00 pm while the Informant and her husband were at home, there was quarrel in between residents of said locality in front of said Gurudwara and on hearing the noise, the Informant and her husband went there and at that time the co-accused abused her in a filthy language. On the basis of the said report Police have registered the crime against the present Applicant.

6. After registration of the crime the investigation started rotating. During investigation, the Investigating Officer has recorded various statements of witnesses and after

completion of the investigation submitted charge-sheet against the present Applicant.

7. Heard learned Counsel for the Applicant, who submitted that, in fact the dispute is between the husband of the Non-applicant No.2 and the other family members of the present Applicant on account of the administration of the said Gurudwara. The husband of the Non-applicant No.2 has also started illegal construction, due to which the NIT has issued the notice to him asking him to remove the said encroachment, and therefore, the husband of the present Non-applicant No.2 is having grudge against the family members of the present Applicant. He submitted that, even accepting the allegation as it is, except the presence of the present Applicant, no allegation is levelled against her either stating that she has abused her or there is any altercation between her and the husband of the Non-applicant No.2, merely because she is the relative of the other co-accused she is implicated in the alleged offence, and therefore, the Application deserves to be allowed.

8. *Per contra*, learned APP strongly opposed the said contention and submitted that, her presence was there, she was

the member of the unlawful assembly, and therefore, the constructive liability is there. In view of that, the Application deserves to be rejected.

9. After hearing both the sides and on perusal of the entire investigation papers, as far as the presence of the Applicant is concerned, which is apparent from the statements of the various witnesses. The entire allegations regarding the abuses in a filthy language are against the other co-accused, except the presence of the present Applicant, no overt act is attributed to her. The statements of various witnesses are recorded, wherein also only the presence is narrated by the witnesses. Thus, none of the offence are made out against the present Applicant. Regarding the allegation as to the use of the filthy language is also against the co-accused. In view of that, no *prima facie* case is made out against the present Applicant.

10. The parameters which are laid down by the Hon'ble Apex Court in the case of ***State of Harayana & Ors. Vs. Ch. Bhajan Lal & Ors., 1992 AIR 604***, while considering the Application under Section 482 of Cr.P.C., which reads as under:

“(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

11. In view of the above parameters laid down by the Hon’ble Apex Court, no *prima facie* case is made out against the

present Applicant. 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.355/2023 registered with Police Station Kapil Nagar, District Nagpur for the offence punishable under Sections 294, 504, 506, 143 and 149 of the Indian Penal Code and consequent proceeding arising out of the same bearing Charge-sheet No.28/2024, are hereby quashed and set aside to the extent of the present Applicant.
- 12.** Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI PHALKE, J.)