



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

CRIMINAL APPLICATION (APL) NO. 1477 OF 2025

1. Mohammad Salim S/o Abdul Kalam,
Aged about 38 years, Occ: Business,
2. Rasheeda Bano W/o Abdul Kalam,
Aged about 63 years, Occ: Housewife,
3. Mohammad Saddam S/o Abdul
Kalam,
Aged about 34 years, Occ: Govt.
Service,
R/o. 1 to 3 Arafat Colony Nagpuri
Gate, Amravati.
4. Najma Bano W/o Abdul Amin,
Aged about 42 years, Occ. Housewife,
R/o Bandenawaj Nagar, Amravati.
5. Nagma Bano W/o Salman Khan,
Aged about 40 years, Occ. Housewife,
R/o Sahara Nagar, Amravati.

APPLICANTS

Versus

1. State of Maharashtra,
Thr. PS.O Nagpuri Gate, Amravati.
2. Asiya Bano W/o Mohd. Saleem,
Aged about 38 years, Occ. Household,
R/o C/o Abdul Hamid Shaikh Gulab
Hathipura Near Dr. Abrar Hospital,
PS Amravati Gate Amravati.

NON-APPLICANTS

Mr. Sk. Sabahat Ullah, Advocate for the Applicants.
Ms. M.A. Barabde, APP for the Non-applicant No.1/State.
Mr. Ganesh Mate, Advocate for the Non-applicant No.2.

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 respective parties.
3. The present Application is preferred by the Applicants who are the husband and nearest relatives of the husband of the Non-applicant No.2 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for quashing the First Information Report in connection with Crime No.371/2025 registered with Police Station Nagpuri Gate, District Amravati for the offence punishable under Section 85, 3(5) of the Bharatiya Nyaya Sanhita, (BNS) 2023 and the consequent

proceeding arising out of the same bearing R.C.C. No.2022/2025.

4. 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 Applicant No.1 on 16.06.2019. After marriage for two to three months she was treated well and thereafter she was subjected for harassment for various reasons. She alleged that, she was physically as well as mentally tortured by the Applicant No.1 on the instigation of the other Applicants. It is alleged by her that, her mother-in-law was also harassing her for the domestic reasons by taunting her. On the basis of the said report Police have registered the crime against the present Applicants.

5. After registration of the crime the Investigating Officer has drawn the spot panchanama, recorded the relevant statements of witnesses and after completion of the investigation submitted charge-sheet against the present Applicants.

6. Heard learned Counsel for the Applicants, who submitted that, on the basis of general, omnibus and sweeping allegations, the Applicants are implicated in the alleged offence merely because the dispute arose between the husband and wife. Due to the matrimonial dispute between the husband and wife all the family members are implicated in the alleged offence. No overt act or wilful conduct is attributed to the present Applicants to attract the offence punishable under Section 498-A of IPC (85 of BNS). In view of that, the Application deserves to be allowed.

7. *Per contra*, learned APP strongly opposed the said contentions and submitted that, considering the specific allegations levelled against the husband Applicant No.1 *prima facie* case is made out and on the instigation of the other co-accused i.e. the other Applicants, the husband was illtreating her. In view of that, the Application deserves to be rejected.

8. The learned Counsel for the Non-applicant No.2, also endorsed the same contentions.

9. After hearing both the sides and on perusal of the entire investigation papers it reveals that, the matrimonial

dispute arose between the husband and wife. As far as the husband is concerned, specific allegations are levelled against him as he was physically as well as mentally torturing her. As far as the other Applicants are concerned, against whom general, omnibus and vague allegations are levelled without assigning any wilful conduct on their part. It is apparent that, they are implicated in the alleged offence merely because they are the relatives of the husband of the Non-applicant No.2.

10. Section 498-A of IPC deals with the husband or relative of husband of a woman subjecting her to cruelty. The Explanation given under Section 498-A of IPC which states as under:

“Explanation.—For the purpose of this Section, “cruelty” means-(a) any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or

(b) harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.”

11. In any event the willful act of conduct ought to be the proximate cause in order to bring home the charge under

Section 498-A of IPC, which is absent in the present case. In view of that, the Application deserves to be allowed partly. Accordingly, I proceed to pass the following order.

ORDER

- i.** Criminal Application is **allowed partly**.
- ii.** The prayer of the Applicant No.1/Mohammad Salim S/o Abdul Kalam for quashing of the FIR, is hereby rejected.
- iii.** The First Information Report in connection with Crime No. 371/2025 registered with Police Station Nagpuri Gate, District Amravati for the offence punishable under Sections 85, 3(5) of the Bharatiya Nyaya Sanhita, (BNS) 2023 and the consequent proceeding arising out of the same bearing R.C.C. No.2022/2025, are hereby quashed and set aside to the extent of Applicant Nos. 2 to 5.

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

(URMILA JOSHI PHALKE, J.)