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

CRIMINAL APPLICATION (APL) NO.1486 OF 2025

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| 1. | Wasim Gaffar Khan Pathan,
Aged about 44 Years,
Occupation : Business, | [Husband] |
| 2. | Gaffar Khan Sattar Khan Pathan,
Aged about 70 Years,
Occupation : Business, | [Father-in-law] |
| 3. | Azra Praveen Gaffar Khan Pathan,
Aged about 59 Years,
Occupation : Housewife, | [Mother-in-law] |
| 4. | Nawaz Gaffar Khan Pathan,
Aged about 25 Years,
Occupation : Labour,
All/o R/o Near Ashiyana Manzil,
Gram Salod, Sawangimegh,
District Wardha. | [Brother-in-law] |
| 5. | Nabiya Azhar Khan,
Aged about 34 Years,
Occupation : Labour, | [Sister-in-law] |
| 6. | Azhar Khan,
Aged about 35 Years,
Occupation : Business,
Both R/o Gujar Bazaar,
Kamptee,
District Nagpur. | [Brother-in-law] |
- APPLICANTS**

// VERSUS //

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| 1. | State of Maharashtra,
Through Police Station Officer of
Police Station, Yavatmal (City),
Yavatmal. | |
| 2. | Sau Nargis Wasim Khan Pathan,
Aged about 28 Years,
Occupation : Housewife,
R/o Hanif Mahtab Sheikh,
Chandore Nagar, Dhamangaon Road,
Moha, Yavatmal. | [Complainant
wife of applicant No.1] |
-NON-APPLICANTS**

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Mr. S. S. Sitani, Advocate for applicants.
Mr. Nikhil Joshi, APP for non-applicant No.1/State.
Ms. Sakshi Tiwari, Advocate (appointed) for non-applicant
No.2

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 17/01/2026

ORAL JUDGMENT :

1. **Admit.**

2. Heard finally with the consent of the learned Counsel for the parties.

3. Present application is preferred by the applicants for quashing of the First Information Report (for short 'FIR') in connection with Crime No.549/2025 registered with Police Station Yavatmal (City), District Yavatmal for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing charge sheet No.98/2025 dated 23.06.2025.

4. The applicant No.1 is the husband and the other applicants are the family members of the applicant No.1. 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 31.03.2019. After marriage, she resumed cohabitation at the house of the present applicants. Initially for some days, she was treated well and she is having

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one son from the said wedlock. However, subsequently, she was ill-treated by demanding the amount of Rs.5,00,000/- from her parents. Moreover, her parents were insisted to incur the expenses towards her delivery also. As she was physically and mentally tortured by the applicants, she was constrained to leave the matrimonial house and filed various proceedings before the Court. As there was consistent ill-treatment at the hands of the applicants, this FIR came to be lodged.

5. Heard learned counsel for the applicants, who invited my attention towards the previous proceeding which was filed under the provisions of the Protection of Women from Domestic Violence Act and submitted that there is a vast difference in the allegations made in the said application and the allegations made in the present FIR. He submitted that as both the proceedings were decided by the Court and subsequent to that, this false FIR came to be lodged. He submitted that considering the general and vague allegations levelled against the present applicants, the application deserves to be allowed. He further submitted that since the marriage of the applicant No.1 and the informant, they were residing separately, therefore, the question of ill-treatment at the hands of the other family members does not arise. For all the above grounds, the application deserves to be allowed.

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6. Per contra, learned APP and learned counsel for the informant – non-applicant No.2 strongly opposed the said contention and submitted that there was a consistent demand at the hands of all the applicants, and therefore, she constrained to leave the matrimonial house and took shelter at the house of her parents. Considering the allegation levelled against the present applicants which shows that there was a physical as well as mental harassment for the demand of Rs.5,00,000/-. Thus, *prima facie* case is made out, hence the application deserves to be rejected.

7. On hearing both sides and on perusal of the entire investigation papers, it reveals that the marriage took place between the applicant No.1 and the non-applicant No.2 on 31.03.2019. Thereafter, she started residing separately along with the other applicants i.e. applicant Nos.2 to 6, who were not residing along with them. It is alleged that the applicant No.1 was physically and mentally harassing her by demanding Rs.5,00,000/- and for purchasing the new furniture. The proceeding which was filed by her under the provisions of the Protection of Women from Domestic Violence Act, is an admitted position. In the said proceeding also, she has made a complaint that she was ill-treated by the applicant No.1 by suspecting her character as well as by demanding the amount of Rs.5,00,000/-. Admittedly, she has assigned the other reason for the demand of

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money that the money was demanded for her service, whereas in the present FIR, the reason mentioned by her that for purchasing new furniture the demand was made. Except that allegation as far as the applicant No.1 is concerned to the extent of demand of money is consistent therefore, *prima facie* case is made out as far as the applicant No.1 is concerned. However, considering the role is attributed to the other applicants admittedly, merely because they are the relatives of the husband, they appears to be implicated in the alleged offence. An omnibus, general and vague allegation is levelled against them, no specific instances or overt act is attributed to them. The recitals of the FIR nowhere shows that there was any willful conduct on the part of the applicant Nos. 2 to 6. Thus, considering the *prima facie* case is only against the applicant No.1 and omnibus and general allegation is levelled against the applicant Nos.2 to 6, the application deserves to be allowed partly. Accordingly, I proceed to pass following order:

ORDER

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

(ii) The First Information Report in connection with Crime No.549/2025 registered with Police Station Yavatmal (City), District Yavatmal for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing charge sheet No.98/2025

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dated 23.06.2025, is hereby quashed to the extent of the present applicant Nos.2 to 6.

(iii) The prayer of the applicant No.1 Wasim Gaffar Khan Pathan for quashing of the First Information Report is hereby rejected.

8. The fees of the appointed counsel be quantified as per rules.

9. The application is disposed of with the above said terms.

(URMILA JOSHI-PHALKE, J)

Sarkate.