



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

CRIMINAL APPLICATION (APL) NO. 1581 OF 2025

1. Shri. Pratik Sunil Mahant, (Husband)
Age 32 years, Occ: IT Employee,
R/o Mohadi (Dhotra), Post Kharsoli,
Tal. Narkhed, Dist. Nagpur.
2. Shri. Vilas Sunil Mahant, (Brother-in-law)
Age 38 years, Occ: Business at Pune,
R/o Wakad, Pune.
3. Smt. Sunita Sunil Mahant, (Mother-in-law)
Age 59 years, Occ Household,
R/o Mohdi Dhotra, Tal. Narkhed,
Dist. Nagpur.
4. Sau. Pratiksha Vilas Mahant, (Sister-in-law)
Age 32 years, Occ: Private Job,
R/o Wakad, Pune.

APPLICANTS

Versus

1. The State of Maharashtra,
Thr. Police Station Gittikhadan,
Tq. Nagpur, Dist. Nagpur.
2. Sau. Bhagyashri W/o. Pratik Mahant,
Aged about 29 years, Occ: Housewife,
R/o. Plot No.26 B, Rathod Lay-out,
Anant Nagar, Gittikhadan, Nagpur.

NON-APPLICANTS

Mr. A.P. Deshmukh, Advocate for the Applicants.
Mr. N.H. Joshi, APP for the Non-applicant No.1/State.
Mr. N.S. Jadhao, Advocate for the Non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 04th MARCH, 2026.

ORAL JUDGMENT :-

1. Heard.
2. **ADMIT.** Heard finally by the consent of learned Counsel for the respective parties.
3. The reply filed by the learned Counsel for the Non-applicant No.2, is taken on record.
4. The present Application is preferred by the Applicants who are the husband and nearest relatives of the Non-applicant No.2 under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for quashing of the First Information Report in connection with Crime No.605/2025 registered with Police Station Gittikhadan, District Nagpur for

the offence punishable under Sections 85, 351(2), 115(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

5. 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 24.04.2022. After marriage she resumed cohabitation but she was ill-treated by the present Applicants for bringing the amount from her parents and thereafter she started residing alongwith the Applicant No.1 at her father's house, wherein also she was ill-treated by the Applicant No.1. It is alleged that, other Applicants were instigating her husband and on their instigation he was physically and mentally torturing 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 the Applicant No.1 was residing alongwith the Non-applicant No.2 at her parents house, therefore the allegations levelled against the present Applicants appears to be false, merely because some dispute arose between the husband and wife. He submitted that, the story narrated by the

Non-applicant No.2 itself improbable and unacceptable when the Applicant No.1 was residing at her parents house. As far as the other Applicants are concerned, they were residing at their respective house, and therefore, there was no opportunity or occasion for them to visit the parents house of the Non-applicant No.2 and ill-treat her. Merely because they are the relatives of the husband of the Non-applicant No.2 they are implicated in the alleged offence on the basis of general, baseless and vague allegations. In view of that, the Application deserves to be allowed.

7. *Per contra*, learned APP and learned Counsel for the Non-applicant No.2 strongly opposed the said contention on the ground that, she was subjected for physical as well as mental harassment by suspecting her character. She has specifically narrated the incident as to the torture by her husband at her matrimonial house as well as at her parents house, and therefore, the Application deserves to be rejected.

8. After hearing both the sides and on perusal of the entire recitals of the FIR it reveals that, the marriage took place on 24.04.2022 and thereafter she resumed cohabitation at the

house of the present Applicants. It is alleged that, her husband was insisting her to bring the money from her parents house and thereafter they started residing at her parents house but she was subjected for the harassment by suspecting her character. The entire allegations are levelled against the Applicant No.1/husband. As far as the Applicant Nos. 2 to 4 are concerned, general, omnibus and baseless allegations are levelled against them. Considering the entire recitals of the FIR, as far as the Applicant No.1 is concerned, *prima facie* case is made out against him as specific allegations are levelled against him but the other Applicants merely because they are the relatives of the husband, they are implicated on the basis of general, omnibus and vague allegations and no wilful conduct is narrated on their part, and therefore, no *prima facie* case is made out against them. In view of that, the Application deserves to be allowed partly. Accordingly, I proceed to pass the following order.

ORDER

- i. Criminal Application is **partly allowed**.
- ii. The prayer of the Applicant No.1/Pratik Sunil Mahant, for quashing of the FIR, is hereby rejected.

iii. The First Information Report in connection with Crime No. 605/2025 registered with Police Station Gittikhadan, District Nagpur for the offence punishable under Sections 85, 351(2), 115(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023, are hereby quashed and set aside to the extent of Applicant Nos. 2 to 4.

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

(URMILA JOSHI PHALKE, J.)

S.D.Bhimte