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

CRIMINAL APPLICATION (APL) NO.1725 OF 2025

(2)

Mr. R. L. Alone, Advocate for applicants.
Mr. N. B. Jawade, APP for non-applicant No.1/State.
Ms. Harshada Jichkar, Advocate for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/01/2026

ORAL JUDGMENT :

1. Heard.
2. **Admit.**
3. Heard finally with the consent of the learned Counsel for the applicants, learned

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they are not having the amount, why they have performed the marriage and she was abused in a filthy language and the applicant No.1 has left the house. Thereafter, she went at her parent's house, wherein also her husband came and not only abused her as well as her parents but also pelted stones towards her, due to which, she has sustained the injuries as well as her parent's have also sustained the injuries. 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 on the basis of omnibus, vague and general allegations as the differences arose between the husband and wife, the FIR came to be lodged. In fact, no specific instances are narrated by the informant as far as the ill-treatment at the hands of the present applicants is concerned. He submitted that considering the nature of the allegation levelled, no offence is made out against the present applicants and therefore, the application deserves to be allowed.

7. Per contra, learned APP and learned counsel for the complainant invited my attention towards the statement of the eye witness as far as the allegation against the husband is concerned, which is substantiated. They further submitted that there is specific allegation as far as the husband, not only to the

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extent of the demand of money but physical assault also, which is witnessed by the independent witness. In view of that, the application deserves to be rejected.

8. On perusal of the entire recitals of the FIR and the investigation papers, it reveals that as far as the husband is concerned, there is a specific allegation against the applicant No.1, but the other applicants appears to be implicated in the alleged offence merely because they are the relatives of the husband and the allegation levelled against the applicant Nos.2 to 5 are concerned, which are general, omnibus and vague in nature. No specific instances are narrated, which is the requirement. In view of the observation of the Hon'ble Apex Court in the case of **Dara Lakshmi Narayana vs. State of Telangana, reported in MANU/SC/1309/2024**, wherein it is observed that a mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud.

9. In view of the above observation of the Hon'ble Apex Court, considering the recitals of the FIR and the entire investigation papers, no case is made out as far as the applicant Nos.2 to 5 are concerned. In view of that, the application

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deserves to be allowed partly. Accordingly, I proceed to pass following order:

ORDER

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

(ii) The FIR in connection with Crime No.130/2025 registered with Police Station Sironcha, District Gadchiroli for the offence punishable under Sections 85, 3(5) and 318(2) of the Bharatiya Nyaya Sanhita, 2023 and the consequent proceeding arising out of the same bearing RCC No.392/202