



Judgment

apl1822.25

1

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL APPLICATION APL NO.1822 of 2025

1. Ayajoddin Gyasoddin,
aged about 40 years, occupation labour,
r/o Beldarpura, Balapur,, talula Balapur,
district Akola.
2. Shamim Bano Ghayasuddin,
aged about 76 years, occupation housewife,
r/o Murtuza Nagar, Yakutpura,
Charminar, Yakupura, district Hyderabad.
3. Razikuddin Ghayasuddin,
aged about 36 years, occupation labourer,
r/o Mumtaz Nagar, Yakutpura,
Charminar, Yakupura, district Hyderabad.
4. Samina Razikuddin,
aged about 33 years, occupation labourer,
r/o Murtuza Nagar, Yakutpura,
Charminar, Yakupura, district Hyderabad.
5. Noor Bano Syed,
aged about 43 years, occupation housewife,
r/o Lakhanwada Bk., district Buldhana. **Applicants.**

:: VERSUS ::

1. State of Maharashtra, through PSO
PS Balapur, district Akola.

2. Sayma Firdous w/o Ayyajoddin,
c/o Arifoddin Nizamoddin, Chota
Mominpura Balapur, taluka Balapur, district
Akola-444302. **Non-applicants.**

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Shri Moin Imran Khan, Counsel for the Applicants
Shri Nikhil, Counsel for Non-applicant No.1/State.
None appears for the Non-applicant No.2.

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CORAM : **URMILA JOSHI-PHALKE, J.**
DATE : **05/02/2026**

JUDGMENT

1. Heard learned counsel for the applicants and
learned APP for the State. Despite service, none appears
for the non-applicant No.2. **Admit.** Heard finally by
consent.

2. By the present application, applicants are seeking
quashing of FIR in connection with Crime No.511/2025
registered for offences under Sections 3(5), 85, 115(2),
and 352 of the BNS.

3

3. The applicants are arrayed as accused on the basis of a report lodged by non-applicant No.2 on allegations that her marriage with applicant No.1 was performed on 15.2.2015. After the marriage, she resumed cohabitation and started residing along with applicants. It is alleged that despite her father has incurred expenses, she was ill-treated by her husband as no dowry was provided in the said marriage and he was demanding Rs.2.00 lacs. It is further alleged that other applicants were instigating him and on their instigation, he was harassing her mentally and physically. On the basis of the said report, the police have registered the crime against applicants.

4. Learned counsel for applicants submitted that on the basis of vague, omnibus, and general allegations, applicants are implicated in the alleged offence. In fact, he submitted that there was trivial issue between the husband and wife and the same was coloured as criminal

4

offence. Thus, considering the recital of the FIR, no *prima facie* case is made out against applicants. In view of that, the application deserves to be allowed.

5. *Per contra*, learned APP for the State has strongly opposed the said contentions and invited my attention to the recital of the FIR and submitted that there is specific allegation that applicant No.1 was physically assaulting her for the unlawful demand and, therefore, she was constrained to leave the matrimonial house.

6. On hearing both the sides and perusing the recital of the FIR, it shows that as far as applicant No.1 is concerned, there is specific allegation that he has not only mentally but also physically harassed her. She has specifically narrated the incident as far as demand by applicant No.1 is concerned and for fulfillment of the

5

demand, there was physical and mental harassment at the hands of the applicant No.1.

7. Thus, considering recital of the FIR, a *prima facie* case is made out against the applicant No.1.

8. As far as applicant Nos.2 to 5 are concerned, who are the nearest relatives of the husband, except reference of their names, there is no specific allegations against them. The allegation, that they were instigating applicant No.1, are vague, general, and omnibus in nature.

9. Considering that mere reference of the names without assigning any specific role is not sufficient to attract the offence under Section 498A of the IPC, the application deserves to be allowed partly. Hence, I proceed to pass following order:

ORDER

(1) The criminal application is **partly allowed**.

6

(2) The FIR in connection with Crime No.511/2025 registered for offences under Sections 3(5), 85, 115(2), and 352 of the BNS is hereby quashed and set aside to the extent of applicant Nos.2 to 5.

(3) The criminal application is **rejected** to the extent of applicant No.1 Ayajoddin Gyasoddin.

(URMILA JOSHI-PHALKE, J.)

!! BrWankhede !!

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