



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

CRIMINAL APPLICATION (APL) NO. 1874 OF 2025

1. Zubair Ahmed Mohammad Rahmat
(Juber Ulla Khan Rahmat Ulla Khan),
Aged about 37 years, Occ. : Business,
R/o. Near Akil Kirana, Walgaon Road,
Habib Nagar No.1, Amravati,
Tah. & Dist. Amravati - 444601.

2. Navid Khan s/o. Nadim Khan,
Aged about 36 years, Occ. Business,
R/o. Flat No.602, Building No.7,
Sagbaug Sneha Sagar Society,
A.K. Road, Marol, Andheri (East),
Mumbai – 400059.

... APPLICANTS

--VERSUS--

1. State of Maharashtra,
Through the Police Station Officer,
Police Station Gadge Nagar,
Tq. & Dist. Amravati.

2. Sayeeda Khan Mohammad Unus,
Aged about 44 years, Occ.: Housewife,
R/o. Habib Nagar No.2, Walgaon Road,
Amravati, Tq. & Dist. Amravati.

...NON-APPLICANTS

Mr. P R. Agrawal, Advocate for Applicants.
Mr. A. M. Kadukar, Advocate for Non-applicant.
Mr. Y. B. Sonone, Advocate for Non-applicant No.2.

CORAM: MRS. VRUSHALI V. JOSHI, J.

JUDGMENT RESERVED ON: 27.04.2026

JUDGMENT PRONOUNCED ON: 04.05.2026

JUDGMENT: -

1. Heard.
2. **ADMIT.** The matter is taken up for final disposal by consent of learned Counsel appearing for the parties.
3. Being aggrieved by the registration of First Information Report (FIR) dated 08.05.2023 bearing Crime No. 620/2023 registered with the Police Station, Gadge Nagar, Amravati, and the consequent initiation of Regular Criminal Case No. 293/2025 pending before the Judicial Magistrate First Class, Amravati, for the offences punishable under Sections 195-A, 294, 506-B and 352 of the Indian Penal Code, the Applicants have preferred the present application under Section 482 of the Code of Criminal Procedure, 1973 and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of the said FIR and all the proceeding.
4. The present dispute lies in a long-standing civil litigation between the parties. The non-applicant No. 2, along with her sister, had instituted Regular Civil Suit No. 144/2016 for declaration, partition and separate possession against the applicants and others. After a full-fledged trial, the said suit came to be dismissed by the competent Civil Court on 09.05.2025. It is further submitted that due to the said property dispute, relations between the parties have been strained, and the Non-applicant No. 2 has been consistently extending threats and attempting

to falsely implicate the Applicants, which is evident from various non-cognizable complaints lodged by the Applicants and their family members from time to time.

5. It is further submitted that despite prior apprehensions expressed by the Applicants through a complaint dated 07.01.2019 regarding false implication, the Non-applicant No. 2, with an ulterior motive and to wreak vengeance, lodged the present false and concocted FIR on 08.05.2023, alleging that on 04.05.2023, near the Civil Court, the Applicants abused and threatened her with dire consequences. The falsity of the allegations is evident from the Roznama of the Civil Suit dated 04.05.2023, which does not indicate the presence of the complainant, thereby rendering the alleged incident doubtful. Moreover, there is an unexplained four-day delay in lodging the FIR, which further casts serious doubt on the veracity of the allegations.

6. Further, there is an unexplained and inordinate delay of four days in lodging the FIR, which remains wholly unaccounted for and thus assumes significance.

7. It is submitted that the Investigating Agency has mechanically invoked Section 195-A of the IPC without appreciating the essential ingredients of the said provision. For an offence under Section 195-A IPC to be made out, the alleged threat must be with an intention to compel a person to give false evidence before a Court of law. In the present case,

there is absolutely no allegation that the Applicants had any intention to compel the complainant to give false evidence. On the contrary, the allegations merely suggest a threat to withdraw the case, which does not fall within the ambit of Section 195-A IPC. Furthermore, the evidence in the civil suit had already been presented before the alleged incident, and therefore, there was no occasion to influence testimony.

8. The Hon'ble Supreme Court in *Salib @ Shalu @ Salim vs. State of Uttar Pradesh and Ors.*, **[2023 (20) SCC 194]**, has categorically held that mere threats for withdrawal of proceedings or settlement of disputes do not attract Section 195-A IPC, and in brief, the ratio is that pressure to compromise cannot be equated with compelling false evidence. Thus, in the absence of such specific intent, the invocation of Section 195-A IPC is wholly misconceived. The Hon'ble Supreme Court in *State of Kerala v. Suni @ Sunil*, **(2015) 11 SCC 401**, has clarified that Section 195-A IPC is a distinct offence dealing with witness intimidation and is attracted only when the threat is directly linked to influencing testimony before a Court; in brief, the Court held that the essential ingredient is intention to affect evidence in judicial proceedings

9. It is further submitted that the offence under Section 294 IPC is also not made out, as mere use of abusive or defamatory language does not constitute an offence under the said provision unless it is shown that the act was obscene in nature and caused annoyance to others in a public

place. In the present case, there is no material to show that any member of the public was annoyed or that the alleged words had the tendency to deprave or corrupt morals. The allegations are vague and unsupported by independent evidence, and, therefore, the essential ingredients of Section 294 IPC are clearly absent.

10. The Hon'ble Supreme Court in *N.S. Madhanagopal vs. K. Lalitha*, [(2022) 17 SCC 818], has held that mere abusive or insulting language does not amount to obscenity unless it has a sexual or prurient element and affects public morality; in brief, the Court ruled that verbal altercations without obscenity and public impact do not fall within Section 294 IPC., Likewise, in *Pawan Kumar v. State of Haryana*, (1996) 4 SCC 17, it has been held that both obscenity and public annoyance must co-exist, and in brief, the principle laid down is that the absence of either ingredient is fatal to prosecution under Section 294 IPC.

11. Similarly, the offence under Section 506 IPC is not attracted, as there is no material to show that the Applicants had any intention to cause alarm to the complainant. The allegations are general and omnibus in nature, without specifying any overt act or demonstrating any real or imminent threat. In the absence of an intention to cause alarm, the offence of criminal intimidation cannot be said to be made out.

12. The Hon'ble Supreme Court in *Manik Taneja vs. State of Karnataka*, [(2015) 7 SCC 423], has held that mere expression of words

without intention to cause alarm does not constitute criminal intimidation, and in brief, the ratio is that intent to cause alarm is the sine qua non of the offence, and in *Mohd. Wajid vs. State of U.P.*, 2023, [2023 (20) SCC 219], here is a concise version without losing legal precision:

Vague and omnibus allegations, lacking any specific and credible assertion of a real threat intended to cause alarm, do not satisfy the essential ingredients of criminal intimidation under Section 506 of IPC. Mere general statements without particulars of the threat or its consequences are insufficient to sustain prosecution. Likewise, in the absence of any allegation disclosing the use of criminal force or assault, the offence under Section 352 of IPC is not made out, and the basic ingredients of the provision remain unfulfilled.

13. It is submitted that the FIR suffers from vagueness and contains only general allegations without attributing any specific role to each of the Applicants. The prosecution's case is further weakened by the absence of corroborative evidence and the inherent improbability of the allegations. The entire proceeding is nothing but a misuse of the criminal justice machinery to settle personal scores arising out of a civil dispute.

14. It is well settled that the inherent powers of this Court under Section 482 of the Code of Criminal Procedure and Section 528 of the Bharatiya Nagarik Suraksha Sanhita can be exercised to prevent

abuse of the process of law and to secure the ends of justice. The present case squarely falls within the parameters laid down by the Hon'ble Supreme Court in the case of *State of Haryana v. Bhajan Lal*, [1992 *Supp. (1) SCC 335*], has laid down illustrative categories where quashing is justified, including where the allegations do not constitute any offence, are inherently improbable, or are manifestly attended with mala fide intention; in brief, the ratio is that criminal proceedings can be quashed at the threshold to prevent abuse of process of law and to secure the ends of justice. The present case clearly falls within such categories, as the proceedings are maliciously instituted with an ulterior motive to harass the Applicants. As no offence is made out against these applicants, they prayed to quash and set aside the First Information Report and Charge-sheet registered against these applicants.

15. The learned A.P.P. opposed the application, stating that the Applicants pressurised the non-applicant No.2 to withdraw the civil litigation and abusive language was used, which tends to sexually impure thoughts. The words which are used amount to obscene words and the offence under Section 294 of the IPC will be attracted as it was used in the Court premises, i.e., a public place. The offence under Section 352 will also be considered as the criminal force is used. To prove all the offences registered against these Applicants and to prove the defence of the Applicants, it requires trial. Hence prayed to reject the application.

16. After going through the First Information Report, it appears that the offences under Sections 195-A, 294, 506-B and 352 of the Indian Penal Code are registered. It is well settled that the offence under Section 195-A of the IPC is attracted only when there is a specific threat with an intention to compel a person to give false evidence in judicial proceedings. Here, the case of prosecution is that the non-applicant No.2 was present in the Court to attend the civil litigation, and immediately after the said incident, the civil proceeding was disposed of. In the case of the *State of Kerala vs. Suni @ Sunil*, [(2015) 11 SCC 401], it is clarified that Section 195-A IPC is a distinct offence dealing with witness intimidation and is attracted only when the threat is directly linked to influencing testimony before a Court. A core ingredient of the offence under Section 195-A IPC is the existence of a specific threat with the intent to compel a person to give false evidence in a judicial proceeding. In the absence of any such allegation or material indicating an attempt to influence testimony in this manner, the essential ingredients of the said offence are not satisfied. Accordingly, Section 195-A IPC is not attracted to the facts of the present case.

17. For the offence under Section 294 of the IPC, the act complained of must be obscene in nature and must be annoying in a public place. There is no evidence on record to show that there was any public annoyance caused by the words, though the words alleged to have

been used by the Applicants are of a sexually coloured nature.

18. The Applicants have filed on record the Roznama of the said date in the said civil proceedings. The presence of the Applicants and the Non-applicant No. 2 is not mentioned. There is no witness to depose that the Applicants used the said words, and it cannot be in chorus. Therefore, the offence under Section 294 will not be attracted.

19. From the conduct of the Non-applicant No. 2, it appears that she has a habit of lodging complaints against the Applicants. Both parties have lodged complaints against each other. Therefore, the offences under Sections 506 and 352 will not be attracted.

20. Considering the authorities cited by the Applicants, a case is made out to quash and set aside the First Information Report and the charge-sheet filed against the Applicants. Hence, the following order:

- i] The application is allowed.
- ii] The Charge-sheet arising out of the First Information Report vide Crime No. 620/2023 registered with the non-applicant No.1- Police Station, Gadge Nagar, Amravati for the offences punishable under Sections 195-A, 294, 506-B and 352 of the Indian Penal Code and the proceeding bearing R.C.C.No.293/2025 pending on the file of the Judicial Magistrate First Class, Amravati are quashed and set aside against the present Applicants only subject to

depositing costs of Rs.20,000/- with the Public Welfare Account maintained with Union Bank of India, High Court Branch, Civil Lines, Nagpur bearing Account No. 129712010001014 and IFSC Code UBIN0812978 and producing the receipt thereof on record within two weeks.

(MRS. VRUSHALI V. JOSHI, J.)