

CRIMINAL APPLICATION (APL) NO. 150 OF 2026

..VERSUS..

PRESENTLY AT

R/o Plot No. 91, Kamde Layout,
Shubharambh Society, Dattawadi,
Amravati Road,
Nagpur. Maharashtra -440023.

Mr Sahil S. Dewani, counsel with Ms Saiesha P. Hinge, counsel for applicant.

Mr A.M. Kadukar, APP for non-applicant No.1/State.

Mr. Usaiduddin Quazi, counsel h/f Mr. Muzammil Hussain, counsel for non-applicant No.2.

CORAM : URMILA JOSHI PHALKE, J.

DATE : 24/03/2026

ORAL JUDGMENT :

1. Heard.

2. **ADMIT.** Heard finally with the consent of learned counsel for the applicant, learned APP for non-applicant No.1/State and learned counsel for non-applicant No.2.

3. By this application, the applicant is seeking quashing of First Information Report (FIR) in connection with Crime No. 490 of 2024, registered with Wadi Police Station, Nagpur, for the offence punishable under Sections 85, 351(2), 352 and 3(5) of the Bhartiya Nyaya Sanhita, 2023, and the consequent proceedings arising out of the same bearing Regular Criminal Case No. 3275 of 2025, pending before the 8th Civil Judge, Junior Division, and Judicial Magistrate First Class, Nagpur.

4. The learned counsel for the applicant submitted that the present applicant is the sister-in-law of the non-applicant No.2. Except the sweeping, baseless, and omnibus allegations, no specific instance has been narrated by non-applicant No. 2

regarding ill-treatment or torture at the hands of the present applicant. Moreover, the present applicants got married long back and staying at her matrimonial house. There is no reason for her to visit the residential house of the non-applicant No.2. The applicant is residing at Greater Noida, Uttar Pradesh, which is more than 1000 Km away from the residential house of the non-applicant No.2. It is contended that merely because she is the sister of husband of non-applicant No.2, on the basis of the baseless and omnibus allegation without specifying any specific instances, she is implicated in the alleged offence. In view of that, no prima-facie case is made out, and hence, the application deserves to be allowed.

5. The learned APP and the learned counsel for the non-applicant No.2 strongly opposed the said contentions and submitted that, considering the specific allegations levelled against the present applicant by non-applicant No.2, stating that she used to taunt and instigate her, it is sufficient to infer that she has tortured the non-applicant No.2 and therefore, offence is made out against her. In view of that, application deserves to be rejected.

6. After hearing both sides and on perusal of the entire investigation papers, especially the recitals of the FIR, it appears that, except the allegation that she used to instigate the husband of the non-applicant No.2 and used to taunt the non-applicant No.2, no specific instances have been narrated by the non-applicant No.2 as to the ill-treatment at the hands

of the present applicant.

7. Admittedly, the present applicant is residing Greater Noida, Uttar Pradesh, whereas the non-applicant No.2 is residing at Nagpur, and prior to that, she was residing at Jabalpur, which is at a distance of more than 1000 km. from the residential premises of the present applicant. Non-applicant No.2 has not stated any specific instance to show that, at any point of time, the present applicant visited her matrimonial house and ill-treated her.

8. Moreover, it is apparent that present applicant has been implicated merely because she is the sister husband of non-applicant No.2. Now, it is well settled that mere reference of the name of the relatives of the husband of the non-applicant No.2 would not be sufficient unless some specific instances are narrated by the non-applicant No.2. Thus, prima-facie is not made out, and hence application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal Application is **allowed**.
- b] The FIR in connection with Crime No. 490 of 2024 registered with Wadi Police Station, Nagpur for the offence punishable under Sections 85, 351(2), 352 and 3(5) of the Bhartiya Nyaya Sanhita, 2023, and the

consequent proceedings arising out of the same bearing Regular Criminal Case No. 3275 of 2025, pending before the 8th Civil Judge, Junior Division and Judicial Magistrate First Class, Nagpur, are hereby quashed and set aside to the extent of the present applicant.

9. Pending application(s), if any, stands **disposed of**.

(URMILA JOSHI PHALKE, J.)