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

CRIMINAL APPLICATION (APL) NO. 401 OF 2026

Vijaya Ukarda @ Ullasrao Aathor (Aathavale)
Aged about 44 years,
Occ. Labour,
R/o. C/o. Sandip Bagade, Bhovate Lay-out, Amravati, Tah. & Dist. Amravati — APPLICANT

// V E R S U S //

1. The State of Maharashtra,
Through Police Station Officer,
Police Station, Gadge Nagar,
Amravati

2. Sonali Ramesh Sonaware,
Aged about 30 years,
Occupation:- Service,
R/o C/o. Police Station, Gadge Nagar, Amravati, District Amravati

NON-APPLICANTS

Mrs. Shilpa P. Giratkar, Advocate for the applicant.
Mr. K.R. Lule, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI PHALKE, J.

DATED : 01.04.2026

O R A L J U D G M E N T :

1. Heard.

2. **ADMIT.** Taken up for final disposal with the consent of learned counsel for the parties.

3. The present application is preferred by the applicant for quashing of the First Information Report in connection with crime No.867/2025 registered with the non-applicant No.1-Police Station, Gadge Nagar, District Amravati for the offence punishable under Section 301 of the Bharatiya Nyaya Sanhita, 2023 (for short, 'the BNS, 2023').

4. The Crime is registered on the basis of the report lodged by non-applicant No.2 on behalf the State on an allegation that on 13.10.2025 one Smt. Shantabai Ukarde was found dead in her house at Bhovate Layout Amravati. Therefore, her daughter was asked to take the possession of her dead body but her daughter was not ready to take the possession of the said dead body and was demanding the inquiry regarding the death by giving the application. On the basis of the said report police have registered the crime by saying that she was humiliating the said dead body.

5. Heard learned counsel for the applicant who invited my attention towards the offence punishable under Section 301 of the BNS, 2023. She submitted that to attract the offence punishable under Section 301 of the BNS, 2023, there has to be the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship which is absent in the present case. In fact, only allegation is that the applicant was not ready to take possession of dead body of her mother. Except that allegation there absolutely no whisper in the FIR as to the insult or intentionally insult of any religion of wounding of any religion or feeling of any person and therefore, prima-facie no case is made out against the present applicant. In view of that application deserves to be allowed.

6. Per contra, learned APP for the State strongly opposed for the same and submitted that considering the recitals of the FIR the prima-facie case is made out against the present applicant as she was not ready to obtain the possession of the said dead body

and therefore, there was likelihood of insulting or humiliation of the said dead body, hence, application deserves to be rejected.

7. On hearing both the sides and on perusal of recitals of the FIR it reveals that only allegation is that the deceased Shantabai Ukarde was the mother of the present applicant. She found dead in her house and therefore, present applicant was informed by the police. Thereafter the present applicant filed an application to enquire about the death of her mother and till the said inquiry was committed or accepted by the Investigating Agency she was not ready to accept the dead body and on that count, the FIR came to be lodged.

8. As far as the application of Section 301 is concerned, which deals with trespassing on burial places which states that whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulchre, or any place set apart for the performance of

funeral rites or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

9. Coming to the recitals of the FIR, the FIR completely silent showing the intention of the present applicant regarding wounding the feelings of any person, or insulting the religion or with the knowledge that the feelings of any person are likely to be wounded or even there is no allegation that she entered in any burial places or there was any dignity by work to the human corpse i.e of her mother. Therefore, none of the ingredients are fulfilled to attract the offence punishable under Section 301 of the BNS, 2023. In view of that, no prima-face case is made out against the present applicant. Hence, application deserves to be allowed.

10. Hence, I proceed to pass the following order:-

ORDER

(i) The Criminal Application is allowed.

(ii) The First Information Report in connection with crime No.867/2025 registered with the non-applicant No.1- Police Station, Gadge Nagar, District Amravati for the offence punishable under Section 301 of the BNS, 2023 is quashed and set aside to against the present applicant- Vijaya Ukarde @ Ulhasrao Aathor (Aathavale)

11. The criminal application stands disposed of in the above said terms.

Pending applications, if any, also stand disposed of.

(URMILA JOSHI PHALKE, J.)

manisha

Signed by: Mrs. Manisha Shewale
Designation: PA To Honourable Judge
Date: 04/04/2026 13:11:44