



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

CRIMINAL APPLICATION (APL) NO.483 OF 2026

1. Joseph S/o Vishwashrao Khudawant
Age 76 years, Occ: Retired.
2. Victor S/o Joseph Khudawant
Age 51 years, Occ: Social worker
3. Smt. Elvina W/o Victor Khudawant
Age 48 years, Occ: Teacher
4. Anant S/o Babulal Mankar
Age 50 years, Occ: Social worker

All Applicants Nos.1 to 4 are
Resident of Uday Colony
Chandur Bazar, Tq. Chandur Bazar,
Dist. Amravati.

...APPLICANTS

...V E R S U S...

1. The State of Maharashtra,
through Police Station Officer,
Chandur Bazar Police Station,,
Chandur Bazar, Tq. Chandur Bazar
Dist. Amravati.
2. Amol Haribhau Wankhkade
Age 40 years, Occ: Social worker
Resident of Anand Nagar,
Chandur Bazar, Tq. Chandur Bazar
Dist. Amravati.

...NON-APPLICANTS

Shri Deepak Khushlani, Advocate for applicants.
Ms D.I. Charlewar, APP for non-applicant no.1/State.
None for non-applicant no.2.

CORAM:- M.W. CHANDWANI, J.

DATE :- 06.10.2026

ORAL JUDGMENT:

1. Heard.

2. **Admit.**

3. The applicants seek quashing of the First Information Report bearing Crime No.21/2026 dated 14.01.2026 registered with Police Station, Chandur Bazar, District Amravati for the offences punishable under Sections 299 and 302 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short, “**BNS**”) and Charge-sheet No.36/2026 arising out of the same crime.

4. The allegations against the applicants are that the applicants pressurized and insisted non-applicant no.2/complainant and his wife to convert into Christianity and thereby, hurt the religion sentiments of non-applicant no.2. Therefore, on the complaint of non-applicant no.2, the aforesaid offences came to be registered against the applicants.

5. It is contended by the learned counsel for the applicants that no offence whatsoever is made out under Sections 299 and 302 of the BNS. According to him, there is no allegation of any deliberate and malicious act on the part of the applicants

intending to outrage the religious feelings of any class of citizens of India. There is no allegation against the applicants of insulting any religion. Therefore, the ingredients of Sections 299 and 302 of the BNS are not made out. That apart, it is also contended that cognizance under Sections 299 cannot be taken without the prior sanction of the State. According to him, till date no sanction has been obtained in this case and therefore, he seeks quashing of the FIR and consequent charge-sheet.

6. *Per contra*, learned APP for the State objected to the application on the ground that the applicants were insisting non-applicant no.2 and his wife to convert into Christianity by enticing them. They were providing an honorarium ₹6,750/- per month for working at Indian Children New Life Mission, Chandur Bazar. It is also contended that they offered to retain the services of non-applicant no.2 and his wife permanently at the institution, take care of the educational expenses of the children of non-applicant no.2 and also construct a house for them if they agreed to convert to Christianity. Therefore, the applicants have committed the offences under Sections 299 and 302 of the BNS. Hence, she sought rejection of the application.

7. Heard learned counsel for the applicants as well as the learned APP. I have gone through the charge-sheet.

8. To appreciate the arguments of the learned counsel for the applicants, it is necessary to reproduce Sections 299 and 302, which prescribe punishment for outraging religious feelings of any class by insulting its religion and uttering words with deliberate intent to wound religious feelings of any person. Sections 299 and 302 are reproduced as under:

“299. Deliberate and malicious acts, intended to outrage religious feelings of any class by insulting its religion or religious beliefs.

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of citizens of India, by words, either spoken or written, or by signs or by visible representations or through electronic means or otherwise, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

302. Uttering words, etc., with deliberate intent to wound religious feelings of any person.

Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person or makes any gesture in the sight of that person or places any object in

the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.”

9. Here, the charge-sheet indicates that non-applicant no.2 was working as a social worker with Indian Children New Life Mission, Chandur Bazar, a charitable institution and was getting an honorarium of ₹6,750/-. It is alleged that applicant no.1, who is one of the office bearers of the institution, told him that they will provide the entire educational expenses of the children of non-applicant no.2 and would also construct a house for them. By making these promises, the applicants enticed non-applicant no.2 and his wife to convert their religion. It is also alleged in the FIR that from 01.09.2025 to 01.11.2025, the applicants were being pressurized to write their religion as Christian in all official documents. It is also alleged that the applicants, by promoting their religion, were trying to brainwash children during Sunday school.

10. With this background, let me first deal with the allegations under Section 299 of the BNS. From the allegations mentioned above, it can only be said that the applicants were promoting their religion. There are no allegations in the entire

complaint lodged by non-applicant no.2 that while promoting Christianity, the applicants deliberately and with malicious intent, outraged the religious feelings of any class of citizens of India or insulted the religious beliefs of non-applicant no.2. The allegations made in the FIR at the most, make out a case that the applicants were trying to promote their own religion or were insisting non-applicant no.2 and his wife to convert themselves from Hinduism to Christianity. The applicants were merely promoting their religion and that does not mean that by doing so, they outraged the religious feelings of any class. Hence, the ingredients of Section 299 of the BNS are not fulfilled. That apart, it is apt to mention here that for taking cognizance of the offence punishable under Section 299, sanction to prosecute by the State or the Central Government is a *sine qua non* as per Section 217 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, which is absent in this case.

11. So far as Section 302 of the BNS is concerned, there is nothing on record to suggest that the applicants uttered any word or made any sound or gesture with intent to wound the religious feelings of any person. There are no allegations whatsoever that the applicants, with intent to wound the religious feelings of any

person, uttered any word or made any gesture. Thus, at the most, the case is that the applicants insisted non-applicant no.2 and his family to convert themselves from Hinduism to Christianity, however, the same is not the purport of Section 302 as it does not wound the religious feelings of any person. Even otherwise, Section 302 of the BNS is non-cognizable in nature. Neither the offence under Section 299 nor the offence under Section 302 of the BNS is being made out against the present applicants. Therefore, the allegations against the applicants do not stand substantiated.

12. Needless to mention that the allegation of insisting to convert to a certain religion is allegedly made from 01.01.2025 till 01.11.2025. During that period, there was no law prohibiting conversion by way of allurement from one religion to another religion. Rather, the State of Maharashtra recently in the year 2026, has enacted the law for protection of freedom of religion and prohibition of unlawful conversion from one religion to another, which came into force on 28th August 2026. Therefore, on the date of commission of the alleged offence, there was no law prohibiting conversion by way of allurement from one religion to another.

13. At this stage, it will be appropriate to refer to the decision of the Supreme Court in the case of ***State of Haryana and others Vs. Bhajanlal and others***¹, which reads thus:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

¹ 1992 Supp (1) SCC 335

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

14. As the contents of the FIR do not disclose commission of any offence, the present case is squarely covered by the decision of *Bhajanlal* (*supra*).

15. Considering the facts mentioned above, a case is made out for quashing of the FIR and consequential proceedings. Hence, the following order is passed:

(i) The application is allowed.

(ii) First Information Report bearing Crime No.21/2026 dated 14.01.2026 registered with Police Station, Chandur Bazar, District Amravati for the offences punishable under Sections 299 and 302 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Charge-sheet No.36/2026, *qua* the applicants, are hereby quashed and set aside.

(iii) The application stands disposed of.

(M.W. CHANDWANI J.)

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