



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4891 OF 2025

1. Mrs. Shahenaz Mohd. Farooque Shaikh .. (Mother-in-Law)
Age : 51 Years, Occ : Housewife
R/At Hakarshee Amarashi Chawl,
No. 319, Bazar Road, Near Jain Mandir,
Bandra (West), Mumbai - 400050.
2. Mr. Shafique Abbas Shaikh .. (Parental Uncle)
Age : 72 Years, Occ : Retired,
B-903, Chohan Classic CHS. Ltd.,
Captain Samant Road, Near Agarwal Estate,
Jogeshwari (W), Mumbai - 102.
3. Farah Shahbaz Qureshi @ Farah .. (Sister-in-Law)
@ Heena Qureshi
Age : 35 Years, Occ: Housewife,
Flat No. 405, 4th Floor, Syba Building,
B-Wing, Station Road, Bandra (W),
Mumbai - 400050. ... Applicants

Versus

1. The State of Maharashtra
2. The Senior Inspector of Police
Rajur Police Station, Ahmednagar,
in C.R. 288/2024.
3. Mrs. Kashmira Farhan Shaikh .. (Wife)
Age: 25 Years, Occ: Housewife,
Residing at Sarvodaya Galli, Rajur,
Taluka-Akole, Dist: Ahmednagar. ... Respondents

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Mr. Amol A. Pawar, Advocate for Applicants.

Mr. D. J. Patil, APP for Respondent Nos.1 and 2- State.

Mr. Anand V. Indrale Patil, Advocate for Respondent No.3
(Appointed Through Legal Aid).

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 09th OCTOBER, 2026

JUDGMENT :

1. By this application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the applicants seek quashing of C.R. No. 288 of 2024 registered with Rajur Police Station, Taluka Akole, District Ahmednagar, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, together with the charge-sheet and the consequential proceedings bearing Regular Criminal Case No.70 of 2025 pending before the Judicial Magistrate First Class, Rajur. Applicant No.1 is the mother-in-law of respondent No.3, applicant No.2 is an elderly relative of the husband's family and applicant No.3 is the married sister-in-law. The husband is not an applicant before this Court. The relief sought must, therefore, be examined only in respect of these three applicants.

2. Respondent No.3 states that she married Farhan Mohd. Farooque Shaikh on 2nd March, 2020 according to Muslim rites and thereafter went to reside at the matrimonial home at Bandra, Mumbai. She states that she was treated properly for about three months, after which her husband demanded Rs.5,00,000/- from her parental family for starting a business. When she expressed

her father's inability to provide that amount, her husband allegedly assaulted her and told her that she was no longer wanted. She further states that during her pregnancy, disputes arose concerning expenditure on medical treatment and that her husband and members of his family taunted her for not bringing anything from her parental home and for not knowing how to conduct herself or perform household work.

3. Respondent No.3 states that the family members also spoke of getting her husband married again so that another marriage would bring money into the family. According to her, the physical and mental harassment compelled her to return to her parental home at Rajur in 2022. Relatives from both sides subsequently intervened and brought about a reconciliation. She accordingly returned to Mumbai on 17th February, 2024 and remained there until 17th April, 2024. She states that the demand for money and the ill-treatment continued during this period, that she was deprived of food and that her husband threatened to kill her if she returned. In particular, she attributes the assault and expulsion on 16th April, 2024 to her husband. She then contacted her parents, who came to Mumbai and took her to Rajur.

4. The FIR was registered on 2nd August, 2024. During

investigation, the statements of the informant's father, mother and another relative were recorded. The papers also contain the report of the Bharosa Cell concerning unsuccessful efforts at reconciliation and documents relating to the police visit to Mumbai and service of notices for attendance. The police ultimately submitted a charge-sheet against the husband and the present applicants, and the criminal case referred to above came to be instituted.

5. Learned Advocate for the applicants submits that the allegations of demand for money, assault and threats are principally directed against the husband and that the applicants have been included by making common allegations against the family. He submits that applicant No.2, aged about 72 years, resides at Jogeshwari and that applicant No.3 is married and resides at her own matrimonial home. Neither of them, according to him, has been assigned any specific act constituting the offences alleged. As regards applicant No. 1, he accepts that she resided in the matrimonial home with the informant but submits that residence in the same house cannot, by itself, justify her prosecution in the absence of sufficiently particular allegations against her.

6. Learned Advocate for the applicants further submits that the statements collected during investigation do not cure the absence of particulars concerning the applicants' individual involvement. The application also questions registration of the offence at Rajur when the alleged incidents occurred in Mumbai and relies upon the interval between the informant leaving the matrimonial home and registration of the FIR. In the course of hearing, reference was made to an earlier NC at Mumbai in connection with the events of April 2024. Counsel also responded to the query concerning attendance pursuant to the police notice by stating that the necessary compliance had been furnished.

7. The respondent's case, as disclosed by the prosecution papers, is that the demand for Rs.5,00,000/- was accompanied by harassment in the matrimonial home and that members of the family participated in that harassment. The statements of the informant's parents repeat the allegations of taunts during her pregnancy, collective assault and continued ill-treatment after reconciliation. The police summary further states that, on the advice of accused No.3, Shafique Abbas Shaikh, the husband, mother-in-law and sister-in-law deprived the informant of food and expelled her. This material requires consideration along with the FIR. It would not be correct to proceed on the footing that the

witnesses say nothing against the applicants or that the charge-sheet contains no allegation concerning them.

8. The jurisdiction under Section 528 of BNSS is to be exercised with care. At this stage, the Court does not decide whether the informant or her witnesses should be believed, nor does it weigh their statements against the applicants' defence. The allegations and the material collected during investigation must be considered on their own terms. The question is whether, even on that basis, they disclose a prima facie case against the persons who seek quashing. Completion of investigation does not preclude the exercise of inherent jurisdiction, but it requires the Court to consider the charge-sheet material as well as the FIR.

9. In *Kahkashan Kausar alias Sonam v. State of Bihar*, (2022) 6 SCC 599, the Supreme Court held that general and omnibus allegations against the husband's relatives, without a specific and distinct role indicating their involvement, do not warrant their prosecution. The decision does not confer immunity upon relatives of a husband. It requires the Court to distinguish allegations disclosing their participation from a general accusation which includes them merely as members of the family.

10. The same approach was reiterated in *Sanjay D. Jain and Others v. State of Maharashtra and Others, 2025 SCC OnLine SC 2090*, decided on 26th September, 2025. The Supreme Court examined both the FIR and the final report and quashed the proceedings against the father-in-law, mother-in-law and sister-in-law where the allegations did not disclose the necessary ingredients against them. The proceedings against the husband were expressly left to be decided on their own merits. These decisions require scrutiny of the actual allegations against each applicant. They do not permit rejection of a complaint merely because it arises from a matrimonial dispute.

11. Turning to the present record, the informant's account identifies her husband as the person who required money for a business, repeatedly assaulted her when it was not provided, threatened her and assaulted and expelled her on 16th April, 2024. When the account refers to the applicants, it largely shifts to expressions concerning the family members together. Their names occur in connection with the pregnancy-related taunts and in the concluding collective allegations, but the narration does not identify what each applicant did in the alleged course of coercion. The difficulty is not merely that a date or time has been omitted. An FIR need not be an exhaustive account of every incident. The

difficulty is that neither the FIR nor the statements recorded thereafter sufficiently distinguish the applicants' participation in the conduct alleged against the husband.

12. Applicant No.1's case requires consideration because she lived in the matrimonial home. Separate residence is not available as a circumstance in her favour. Equally, sharing the matrimonial home does not make her answerable for every act of the husband. The allegations concerning expenditure during pregnancy, dissatisfaction with what the informant brought from her parents and the proposal of another marriage are serious matters and have been considered. They are, however, attributed to the husband and several relatives together, without a distinct incident identifying applicant No.1's conduct in making or enforcing the demand. After the informant returned in February 2024, the account again refers generally to the conduct of her husband and the family. The specific assault and expulsion of 16th April, 2024 is narrated against the husband. On a reading of the material, the common allegations have not acquired sufficient particulars against applicant No.1 merely because she resided in the same house.

13. As regards applicant No.2, the charge-sheet summary refers to the others acting on his advice. Such an allegation cannot

be disregarded merely because he is elderly or resides at Jogeshwari. A person residing elsewhere may participate in cruelty by directing or encouraging it. The question is whether the material supplies the factual basis for that alleged participation. Here, the summary does not identify any occasion or communication in which he gave the alleged advice. The informant's account and the statements of her relatives do not describe a conversation or other act supplying particulars to that conclusion. Beyond naming him among those who allegedly taunted the informant during her pregnancy, the material continues to refer collectively to the family. The assertion of advice in the police summary thus does not cure the absence of a sufficiently particular account of his involvement.

14. Applicant No.3 is a married sister-in-law whose separate matrimonial residence is stated in the application. Her separate residence would not justify quashing if the prosecution material disclosed her participation in an offence. However, the statements do not identify a visit, a communication or an incident in which she individually demanded money, assaulted the informant or enforced the alleged demand. She is included with the other relatives in the account of taunts during pregnancy and in the collective allegations of harassment. Investigation has not

supplied a distinct factual account connecting her with the subsequent deprivation of food or expulsion. Her prosecution would therefore rest upon the same general allegations which the Supreme Court has held insufficient to compel a relative to face trial.

15. The statements of the informant's father and mother have also been considered. They repeat the account of the demand, the taunts, the informant's return to Rajur and the attempt at reconciliation. It is neither necessary nor permissible to reject those statements because the witnesses are her parents or because parts of their account were communicated to them by her. Even if their statements are accepted, however, they repeat the accusations against the family collectively without supplying the missing particulars concerning each applicant. The other relative's statement similarly recounts what was conveyed to him about the matrimonial dispute. The conclusion reached here rests upon the content of these statements, and not upon any assessment of the witnesses' credibility.

16. Section 498-A covers both the wilful conduct contemplated by clause (a) of its Explanation and harassment connected with an unlawful demand contemplated by clause (b). Harassment for failure to meet an unlawful demand may itself

attract the provision. The allegation that Rs.5,00,000/- was required for starting a business cannot therefore be dismissed merely because of the purpose for which the money was sought. What is missing in the present case is a sufficiently particular factual account connecting each applicant with the alleged coercive harassment. The gravity of the conduct attributed to the husband cannot supply that deficiency against the applicants.

17. The remaining offences require the same examination. The specific account of assault on 16th April, 2024 and the threat to kill is directed against the husband. The general references to assault and abuse by family members do not disclose a sufficiently distinct incident against any of these applicants so as to sustain their prosecution under Sections 323 or 504 of IPC. Nor does the material identify a threat by an applicant, made with the intention of causing alarm or compelling the informant to act or refrain from acting, which would sustain the charge under Section 506. Section 34 does not require a separate overt act by every accused in every case, but there must be facts indicating participation in furtherance of a common intention. The collective description of the family, without such factual particulars, cannot by itself supply that connection.

18. The objection concerning territorial jurisdiction does not furnish a ground for quashing. In *Rupali Devi v. State of Uttar Pradesh, (2019) 5 SCC 384*, the Supreme Court held that, depending upon the facts, the courts at the place where a wife takes shelter after leaving or being driven from the matrimonial home because of cruelty may also have jurisdiction. The informant states that the alleged harassment compelled her to take shelter with her parents at Rajur. The proceedings cannot, therefore, be quashed merely because the acts narrated occurred in Mumbai. Equally, the interval before registration of the FIR does not establish that the complaint is false or an afterthought, particularly in the context of the attempts at reconciliation and the reference during hearing to an earlier NC. It is unnecessary to determine the contents of that NC for deciding this application.

19. On consideration of the FIR and the charge-sheet material together, the allegations against the applicants remain substantially collective and do not furnish a sufficiently particular basis for their prosecution for the offences alleged. This finding does not rest on a determination that the informant's account is untrue or that her grievances against her husband are unfounded. It concerns the insufficiency of the allegations against these applicants even when the prosecution case is accepted. In these

circumstances, compelling them to undergo a criminal trial would amount to an abuse of the process of the Court. The application therefore deserves to be allowed. Hence, the following order :

ORDER

(a) Criminal Application No. 4891 of 2025 is allowed.

(b) C.R. No. 288 of 2024 registered with Rajur Police Station, Taluka Akole, District Ahmednagar, for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, the charge-sheet arising therefrom and the consequential proceedings bearing Regular Criminal Case No. 70 of 2025 pending before the Judicial Magistrate First Class, Rajur, are quashed and set aside insofar as applicant No. 1, Mrs. Shahenaz Mohd. Farooque Shaikh; applicant No. 2, Mr. Shafique Abbas Shaikh; and applicant No. 3, Farah Shahbaz Qureshi alias Farah alias Heena Qureshi, are concerned.

(c) The proceedings against the husband shall continue and shall be decided independently on their own merits.

(d) The observations in this judgment are confined to the present applicants and shall not influence adjudication of the case against husband.

(e) There shall be no order as to costs.

(HITEN S. VENEGAVKAR)
JUDGE