

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1456 OF 2025

a/w

CRIMINAL INTERIM APPLICATION NO. 567 OF 2026

IN

CRIMINAL WRIT PETITION NO. 1456 OF 2025

SHAILAJA
SHRIKANT
HALKUDE

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SHAILAJA SHRIKANT
HALKUDE
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|--------|--|-------|-------------|
| 1] | Miss. Sayeda Aayesha Zahra |] | |
| | D/o Abdul Ali Hafeez |] | |
| | An adult, aged about 48 years, Indian, |] | |
| | Occupation : Service, Inhabitant of Bengaluru |] | |
| | Having permanent address at 16/1, |] | |
| | Achyutaraya Mudaliar AM, |] | |
| | Road, Fraser Town, Bangalore, |] | |
| | Bengaluru City, Karnataka, |] | |
| | Presently residing at Reading, |] | |
| | United Kingdom for job purposes. |] | |
|
2. |
Mrs. Syeda Zahara wd/o Syed Abdul Ali Hafeez |
] | |
| | An adult, aged about 76 years, Indian, |] | |
| | Occu: Housewife, Inhabitant of Bengaluru |] | |
| | Having permanent address at 16/1, |] | |
| | Achyutaraya Mudaliar AM, |] | |
| | Road, Fraser Town, Bangalore, |] | |
| | Bengaluru City, Karnataka, |] | Petitioners |

versus

- | | | | |
|--------|--|-------|-------------|
| 1. | The State of Maharashtra |] | |
| | (At the instance of the P.I. Sadar Bazar |] | |
| | Police Station, Solapur, Maharashtra, |] | |
| | Vide C.R. No.226/2021) |] | |
|
2. |
Mrs. Saima Yasmeen Syed Qutbuddin |
] | |
| | Bakhtair Ali, wife of Syed Qutbuddin. |] | |
| | An adult, aged about 39 years, Indian, |] | |
| | Occu: Not known, Inhabitant of Solapur, |] | |
| | Residing at C/o N.N. Munshi, 159/1, |] | |
| | Railway Lines, Solapur- 413 001. |] | Respondents |

.....
Ms. N. S. Baig (through V.C.) a/w Mr. Aditya S. Ghatge, Advocates for
Petitioners.

Ms. Priyanka Rane, A.P.P, for Respondent No.1 – State.

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CORAM : ABHAY J. MANTRI, J.
DATE : SEPTEMBER 24, 2026

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith and heard learned Advocate for the Petitioners as well as the learned A.P.P., for Respondent No.1 – State.

2. Despite service of notice, Respondent No.2 remained absent. It seems that Respondent No. 2 is not interested in prosecuting the Petition.

3. The Petitioners invoked inherent jurisdiction of this Court to quash the First Information Report (for short “**F.I.R**”) bearing No.226 of 2021 registered on 8th April, 2021 with Sadar Bazar Police Station, District Solapur for the offences punishable under Sections 498-A, 417, 504 r/w 34 of the Indian Penal Code, 1860 (for short “**I.P.C.**”) and filing of the Charge-sheet pursuant to the said F.I.R, which was numbered as Regular Criminal Case No.892 of 2022 pending before the learned Chief Judicial Magistrate, Solapur.

FACTUAL MATRIX:

4. The Petitioners are the sister-in-law and mother-in-law, respectively, of Respondent No. 2. The marriage of Respondent No. 2 was solemnised with Accused No.1, namely, Syed Qutbuddin Bakhtiyar Ali, on 21st September 2014. After the marriage, Accused No. 1, who was employed as an Engineer with a multinational firm in Jeddah, Saudi Arabia, took Respondent No. 2 to Saudi Arabia on 2nd August 2015. Respondent No.2 resided there with her husband until November 2017. Thereafter, she returned to India and resided with her in-laws till December 2017. In December 2017, Respondent No. 2 left her matrimonial home and went to her parental home. Since then, she has been residing there.

5. The allegations against the Petitioners are that only “they used to taunt Respondent No. 2 on the ground that she is unable to conceive/she is barren. It is further alleged that accused No.1 - Syed Qutbuddin Bakhtiyar Ali, husband of Respondent No. 2, was impotent and, therefore, incapable of establishing a physical relationship with her. It is further alleged that the in-laws concealed this fact from her at the time of marriage and that, after gaining knowledge, she lodged the report.

6. Pursuant to the said report, investigation was conducted and, upon completion thereof, a charge-sheet came to be filed before the learned

Trial Court. Aggrieved by the said report and charge-sheet, the Petitioners have preferred the present Writ Petition.

7. Learned Advocate for the Petitioners vehemently contended that the allegations against the Petitioners are vague, omnibus and general in nature, with no specific role attributed to them in the F.I.R. The allegations are that they were taunting her by calling her barren and concealing the fact that her husband was impotent at the time of marriage. She submitted that such allegations, even if accepted at face value, do not constitute the ingredients of an offence punishable under Section 498-A of the I.P.C. She therefore urged that the F.I.R. and the charge-sheet, insofar as the Petitioners are concerned, be quashed and set aside.

8. On the contrary, Ms. Rane, learned A.P.P. for Respondent No.1–State, strenuously opposed the Petition, contending that specific allegations have been levelled against the Petitioners that they subjected Respondent No.2 to cruelty by taunting her as barren and by concealing the fact that her husband - Accused No.1–Syed Qutbuddin Bakhtiyar Ali, was impotent and incapable of establishing physical relations with her. She, therefore, submitted that the ingredients of Section 498-A of the I.P.C. are attracted against the Petitioners and urged that the Petition be dismissed.

9. Despite service of notice, no one appears for Respondent No. 2 either in the Court Hall or through Video Conferencing mode. It seems that

Respondent No. 2 is not interested in prosecuting the Petition and, therefore, she remained absent.

10. Having heard the rival contentions of the parties and having gone through the record, prima facie, it appears that the allegations against the Petitioners are vague, omnibus and general in nature. The F.I.R. does not attribute any specific role to the Petitioners, nor does it explain what they did or how they could be held liable for the alleged offence. The only allegations appearing in the FIR against the Petitioners are that they used to taunt her by calling her barren and quarrelled with her over trivial reasons. Learned A.P.P. has failed to point out any other allegations against the Petitioners which would constitute the necessary ingredients of Section 498-A of the I.P.C.

11. Apart from the above, the F.I.R. does not disclose the date, time, place or manner in which Respondent No. 2 was allegedly harassed at the hands of the Petitioners. The charge-sheet is also conspicuously silent on this point. Thus, the allegations against the Petitioners are neither concrete nor precise. It is further pertinent to note that Respondent No. 2 resided with her husband from August 2015 to November 2017. Thereafter, from December 2017, she was residing with her parents. Despite the same, she did not lodge any complaint against the Petitioners until April 2021. No explanation or reason for lodging the F.I.R. belatedly has been brought on record.

12. Having considered the controversy in question, it would be appropriate to refer to the law laid down by the Hon'ble Supreme Court in the following judgments;

- (i) ***Geeta Mehrotra and another versus State of U.P. and another*¹,**
- (ii) ***Kahkashan Kausar alias Sonam and others versus State of Bihar and others*,²**
- (iii) ***Dara Lakshmi Narayana & others versus State of Telangana & Another*,³**

13. In ***Geeta Mehrotra (supra)***, the Hon'ble Supreme Court has categorically observed that:

"if the contents of the first information report did not disclose specific allegations against the brother and sister of the complainant's husband to make them liable, for bickering between non- applicant No. 2 and her husband, except the casual reference of their names, it would not be just to direct them to go through the protracting procedure, so also by merely making the general allegation that they were involved for physical and mental torture of the complainant without any allegation of their active involvement or mentioning the single incident against them as also the fact as to how they could be motivated the demand of dowry when they are only related to husband as brother or sister, and therefore, quashed the proceedings against them".

(Emphasis supplied)

1 2012 (10) SCC 741

2 (2022) 6 SCC 599

3 2024 SCC OnLine SC 3682

14. In addition, in ***Kahkashan Kausar @ Sonam and Others***, (supra), the Hon'ble Apex Court has held that:

"The Courts should be careful in the proceedings against the distant relatives in crimes pertaining to matrimonial disputes and dowry deaths and must keep in mind that relatives of the husband should not be roped in on the basis of omnibus allegations unless specific instances of their involvement in the crime are made out."

It is further observed that "the ultimate object of justice is to find out the truth, punish the guilty, and protect the innocent. To find out the truth is a herculean task in the majority of these complaints. The tendency to implicate the husband and all his inmate's/immediate relations is also not uncommon. At times, even in the conclusions of a criminal trial, it is difficult to ascertain the real truth. The courts have to be extremely careful and cautious in dealing with these complaints and must consider pragmatic realities while dealing with matrimonial cases. The allegations of the harassment of the husband's close relations, who had been living in different cities and never visited or rarely visited the place where the complainant resided, would have an entirely different complexion. The allegations of the complaint are required to be scrutinised with great care and circumspection."

15. The Hon'ble Supreme Court in the case of ***Dara Lakshmi Narayana & others*** (supra), after considering the parameters laid down in the decision in "***Bhajanlal's Case***" and other various decisions of the Hon'ble Supreme Court, has observed that:

"A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement, should be nipped in the bud. It is a well-recognized fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in

such cases to prevent misuse of legal provisions and the legal process and avoid unnecessarily harassing innocent family members.

(Emphasis Supplied)

16. Having considered the above discussion and the law laid down by the Hon'ble Supreme Court, in my view, it would not be appropriate to continue the proceedings pending before the learned Trial Court against the Petitioners. Continuing the proceedings would amount to an abuse of the process of law and would not serve the ends of justice. Therefore, in exercise of powers under section 528 of the Bharatiya Nyaya Sanhita/ 482 of the Cr. P. C., it would be appropriate to quash and set aside the F.I.R. as well as the proceedings pending before the learned Chief Judicial Magistrate, Solapur, being R.C.C. No.892 of 2022, *qua the Petitioners*.

17. In the result, *the Petition is allowed in terms of prayer clauses (b) and (c)*, which read thus;

b) This Hon'ble Court be pleased to quash and set aside the FIR bearing C.R. No. C.R. no. I-226/2021 registered at Sadar Bazar Police Station, Dist. Sholapur, and charge sheet filed in proceedings numbered as R.C.C. no. 892/2022 and is pending before the Ld. Chief Judicial Magistrate, Solapur, against the present Petitioners for allegedly having committed the offences punishable under sections 498-A, 417, 504, r/w. 34 of Indian Penal

Code and also be pleased to quash and set aside the consequent proceedings arising from the said C.R.

c) This Hon'ble Court be pleased to quash and set aside the criminal proceedings numbered as R.C.C. no. 892/2022 and pending before the Ld. Chief Judicial Magistrate, Solapur against the present Petitioners.

18. The Rule is made absolute. No order as to costs.

19. Inform the concerned court accordingly.

20. ***The Petition is disposed of.***

21. In view of the disposal of the Writ Petition, ***the Interim Application does not survive and hence stands disposed of.***

(ABHAY J. MANTRI, J.)