

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO.: 2974 OF 2014

- 1] **Mohammad Firoz s/o Abdul Aziz Bandukiya,**
Age 30 years, Occ: Business,
r/o Maskasath, Itwari Nagpur.
- 2] **Abdul Aziz s/o Abdul Kadarbhai Bandukiya**
Age 66 years, Occ : Nil,
r/o Maskasath, Itwari Nagpur.
- 3] **Amina w/o Abdul Aziz Bandukiya,**
Age 64 years, Occ : Household,
r/o Maskasath, Itwari Nagpur.
- 4] **Mohd. Wasim s/o Abdul Aziz Bandukiya,**
Age 21 years, Occu. Education,
r/o Maskasath, Itwari Nagpur.
- 5] **Asma w/o Mohd. Amin Isani,**
Age 26 years, Occ : Household,
r/o Asif Nagar, Hyderabad.
- 6] **Aminbhai s/o Haroom Isani,**
Age 30 years, Occ : Business,
r/o Asifnagar, Hyderabad.
- 7] **Femida w/o Shakil Dalani,**
Age 36 years, Occu. Household,
R/o Mubarak Nagar, Arni
Taluka and Dist. Yeotmal.
- 8] **Shakil s/o Noor Mohammad Dalani,**
Age 36 years, Occ : Business,
R/o Mubarak Nagar, Arni
Taluka and Dist Yeotmal.

... **APPLICANTS**

VERSUS

- 1] **The State of Maharashtra.**
- 2] **The Police Station Incharge,**
Vasmat Police Station,
Tq Vasmat, District Hingoli.
- 3] **Rubinabano w/o Mohammad Firoz Bandukiya,**
Age 27 years, Occ : Private service
& Household,
r/o c/o Mohd. Soyab s/o Abdul Sattar,
Irani, Darga Mohalla, Sarafa Galli, Vasmat,
Taluka Vasmat, District Hingoli. ... **RESPONDENTS**

Mr. N.K. Kakade, Advocate for the Applicants.
Mr. K.S.Patil, APP for Respondent Nos.1 and 2.
Mr. P. R. Katneshwarkar, Advocate for Respondent No.3.

**CORAM:- T. V. NALAWADE &
SMT. I. K. JAIN, JJ.
DATED :- 20th April, 2015.**

JUDGMENT [PER SMT.I.K.JAIN, J.]:

Rule. Rule made returnable forthwith. By consent of the parties, the criminal application is heard finally.

2 Learned APP is also heard.

3 This application is under Section 482 of the Code of Criminal Procedure for quashing proceedings in RCC No.106 / 2014 pending before the learned JMFC, Vasmat arising out of FIR in Crime No.191 of 2013, registered at Vasmat Police Station, Taluka

Vasmat, District Hingoli, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

4 At the outset, it is to be mentioned here that as Applicant No.1 did not press the criminal application it came to be rejected against him by this Court vide order dated 17th June, 2014.

5 During the course of hearing, learned counsel for Applicants, submitted, on instructions, that he wants to withdraw the application in respect of Applicant Nos.2, 3 and 4. Application being withdrawn, needs to be disposed of to that extent.

6 Criminal Application therefore, remains now in narrow compass. It can be seen from FIR that Respondent No.3 / Rubinabano was married to Applicant No.1 on 7th August, 2005. After marriage, she had been to Nagpur at her in-laws to cohabit with Applicant No.1. Initially for three years, she was treated well. It is alleged that after three years, on trivial grounds, her husband and in-laws started ill-treating her. According to Complainant, her husband and in-laws were not satisfied with the dowry given in her marriage by her father. They started making demand of Rs.5,00,000/- for business. Applicants used to torture her for non-fulfillment of such demand.

7 On 14th August, 2013, she begot a female child at her maternal place. That time, her husband and in-laws came to her father's house and repeated the demand of Rs.5,00,000/-. They also abused them. Applicant No.1 beat the Complainant with kicks and fists. She was tolerating the ill-treatment with a hope that one day there would be improvement in the behaviour of her husband and in-laws.

8 On 19th September, 2013, at 09:00 am, again her husband and in-laws visited her father's place. They insisted to fulfill the demand of money and threatened that in case, demand is not fulfilled, Applicant No.1 would perform second marriage. On 27th September, 2013, Complainant reported the incident to Women Grievances Redressal Forum. Later she submitted the report to Superintendent of Police, Hingoli.

9 So far as Applicant Nos.5 and 7 are concerned, they are the real sister in-laws of Complainant. Applicant No.6 is the husband of Applicant No.5 and Applicant No.8 is the husband of Applicant No.7. It is significant to note that Applicant Nos.5 and 6 are residents of Hyderabad and Applicant Nos.7 and 8 are residing at Arni, District Yeotmal. On its face, FIR does not constitute any

offence against Applicant Nos.5 to 8. No specific role is attributed to each of them. The allegations in respect to these Applicants are vague.

10 In these circumstances, nothing can be achieved if the criminal proceedings arising out of the FIR are allowed to be continued. On going through the papers of investigation, we do not find any specific allegation against Applicant Nos.5 to 8. Hence, to prevent the abuse of process of law, we find it necessary to exercise discretion to the extent of Applicant Nos.5 to 8.

11 In this view of the matter, Criminal Application No.2974 of 2014, is partly allowed in respect of Applicant Nos.5/ Asma w/o Mohd. Amin Isani, 6/ Aminbhai s/o Haroon Isani, 7/ Femida w/o Shakil Dalani and 8/ Shakil s/o Noor Mohammad Dalani.

12 The proceedings in Regular Criminal Case No.106 of 2014, arising out of Crime No.191 of 2013, pending in relation to Applicant Nos.5 to 8 before the learned Judicial Magistrate First Class, Vasmat, for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, are hereby quashed and set aside.

13 Being withdrawn the criminal application in respect of
Applicant Nos.2, 3 and 4, stands disposed of.

14 Rule is made partly absolute in the aforesaid terms.

ndm **[SMT. I. K. JAIN, J]** **[T. V. NALAWADE, J.]**