

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

**CRIMINAL APPLICATION NO. 73 OF 2018**

- 1) Shaikh Mustak Shaikh Mukhtar,  
Age 27 years, Occ. Agril. & Business,  
R/o. Karmad, Tq. & Dist. Aurangabad.
- 2) Shaikh Mukhtar Shaikh Chand,  
Age 55 years, Occ. Agril. & Business.  
R/o. Ladsawangi Road, Karmad,  
Tq. & Dist. Aurangabad.
- 3) Shahinaj Mukhtar Shaikh,  
Age 59 years, Occ. Household.  
R/o. Ladsawangi Road, Karmad,  
Tq. & Dist. Aurangabad.
- 4) Shaikh Ishtiyak Shaikh Mukhtar,  
Age 29 years, Occu. Agril. &  
Business, R/o. Azad Nagar, Karmad,  
Tq. & Dist. Aurangabad.
- 5) Shaikh Afrin w/o Shaikh Ishtiyak,  
Age 25 years, Occ. Household,  
R/o. Azad Nagar, Karmad, Tq.  
& Dist. Aurangabad.
- 6) Shaikh Najim Shaikh Mukhtar,  
Age 20 years, Occ. Student,  
R/o. House No. 1098, Chand  
Height, Karmad, Tq. & Dist.  
Aurangabad.
- 7) Shamshad w/o Masiyoddin Siddhiki,  
Age 27 years, Occ. Household,  
R/o. Azad Nagar, Karmad, Tq. &  
Dist. Aurangabad.

- 8) Seema @ w/o Ajahar Pathan,  
Age 25 years, Occ. Household,  
R/o. House No. 8/8/743, Rashidpura,  
Near Abu Bakar Majjid, Aurangabad. ... **Applicants**  
(Original accused )

VERSUS

1. The State of Maharashtra.  
Through its P.I. Peth Beed Police  
Station, Aurangabad.
2. Shaikh Rahim w/o Shaikh Mustak  
Age 22 years, Occ. Household,  
R/o. Karmad Tq. & Dist. Aurangabad,  
Now at MIDC, Power loom Peth,  
Beed, Tq. & Dist. Beed. ... **Respondents.**  
(respondent No. 2 is original  
complainant)

...

Advocate for Applicants : Mr. K.D. Jadhav.  
APP for respondent No. 1/State : Mr. M.M. Nerlikar.  
Advocate for respondent No. 2 : Mr.V.P. Sawant.

**CORAM: T.V. NALAWADE &  
K. L. WADANE, JJ.**

**DATE : 2<sup>nd</sup> AUGUST, 2018.**

**JUDGMENT (PER K.L. WADANE, J)**

1. Rule. Rule made returnable forthwith. With the consent of the parties, this application is taken up for final hearing.
2. This application is filed by the applicants/original accused under the provisions of section 482 of the Code of Criminal Procedure

for relief of quashing the first information report No. 515/2017 registered with Peth Beed police station for the offences punishable under section 498A, 323, 504, 506 read with section 34 of the Indian Penal Code.

3. The brief facts of the case may be stated as follows:

(i) The applicant No. 1 is the husband of respondent No. 2. Applicants No. 2 and 3 are father and mother of applicant No. 1. The applicants No. 4 and 6 are brothers of applicant No. 1, whereas applicant No. 5 is wife of applicant No. 4. The applicants No. 7 and 8 are the sisters of applicant No. 1.

(ii) Respondent No. 2/original complainant lodged complaint on 13.12.2017 by alleging that, her marriage performed with applicant No. 1 Mustak on 31.05.2015. After the marriage for about two months the complainant was treated well by the applicants. Thereafter the applicants started demanding Rs. 10 lakh, towards the rent of Helicopter which was brought in the marriage of complainant and also demanded Rs. 20 lakh towards marriage expenses and on that count the applicants were assaulted and abused to the complainant. The complainant has narrated the above illtreatment to her parents and other relatives. The parents and relatives of the complainant gave understanding to the

applicants but the applicants did not pay any heed and again started mentally and physically illtreating the complainant. With these allegations, offence came to be registered against the applicants for the offences punishable under section 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code.

4. We have heard the arguments of Mr. Jadhav, learned counsel for the applicants, Mr. Nerlikar, learned APP for the respondent No.1/State and Mr. Savant, learned counsel for respondent No. 2. Learned counsel for applicants, on instructions, withdraw the application for applicants No. 1 to 3.

5. On perusal of the contents of the first information report it appears that the allegations against the applicants No. 4 to 8 are vague and general in nature. No specific instance or particular act alleged or quoted in first information report against the applicants No. 4 to 8. On perusal of record it appears that though the applicants no. 4 to 8 are residing at Karmad, but they are not residing with applicant No. 1. It appears that the applicants No. 7 and 8 are married sisters of the applicant No. 1 and they are residing in their matrimonial house. The applicants No. 4 and 6 are also residing separately from the applicant No. 1.

6. In view of the above and on perusal of the first information report it appears that there is no material particular, quoting any specific incident of visit or about illtreatment or harassment at the hands of applicants No.4 to 8 so as to attract the ingredients of section 498-A of the Indian Penal Code or other offences as alleged by the complainant. The complainant has made vague and general allegations against the applicants No. 4 to 8. Therefore, prima-facie it appears that on the basis of vague allegations, only to harass the applicants No. 4 to 8 the complainant roped them in the present crime. Hence to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of applicants No. 4 to 8. Hence, following order:

### **ORDER**

1. Application of applicants No. 4 to 8 is allowed in terms of prayer clause 'B'.
  2. Application of applicants No. 1 to 3 is disposed of as withdrawn.
  3. Rule made absolute in those terms.
7. Criminal application is disposed of.

**(K. L. WADANE, J.)**

**(T.V. NALAWADE, J.)**

mkd/-