

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 117 OF 2010**

- 1) Dastagirkhan s/o Kudratullakhan,
Age 32 years, Occ. Agriculture,
R/o. Mushafarshah Mohalla, Basmat,
Tq. Basmat, Dist. Hingoli.
- 2) Kudratullahkhan s/o Noorullakhan,
Age 60 years, Occ. Agriculture,
R/o. As above.
- 3) Ajmeribegum w/o Kudratullakhan,
Age 55 years, Occ. Household.
- 4) Billalkhan s/o Kudratullakhan,
Age 35 years, Occu. Driver.
R/o. As above.
- 5) Afreembegum w/o Bilalkhan,
Age 30 years, Occ. Household,
R/o. As above.
- 6) Naseembegum w/o Mohamad
Sujathussain, Age 38 years,
Occ. Household, R/o. Chaitnya
Nagar, Nanded.
- 7) Kausarbegum w/o Mohd. Azar,
Age 25 years, Occ. Household,
R/o. Azam Colony, Bhokar,
Dist. Nanded.

... **Applicants**
(Original accused)

VERSUS

1. The State of Maharashtra.
Through Police Station CIDCO,
Nanded (Rural)

2. Mohsinabegum w/o Dastagirkhan,
Age 24 years, Occ. Household,
R/o. N.D. 120, CIDCO, Nanded. ... **Respondents.**
(respondent No. 2 is original
complainant)

...

Advocate for Applicants : Mr. Jitendra V.Patil, h/f Mr. P.R.
Katneshwarkar.

APP for respondent No. 1/State : Mr. R.V. Dasalkar.

Advocate for respondent No. 2 : Mr. A.R. Gaikwad
(appointed).

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

DATE : 24th JULY, 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 setting aside and quashing the first information report No. 327/2009 registered with CIDCO, Nanded (Rural), police station for the offences punishable under section 498A, 323, 504, 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 applicant No. 4 is elder brother of applicant No. 1, whereas applicant No. 5 is wife of applicant No. 4. The applicants No. 6 and 7 are sisters of applicant No. 1.

(ii) Respondent No. 2/original complainant lodged complaint on 02.12.2009 by alleging that, her marriage performed with applicant No. 1 Dastagirkhan on 29.05.2005. After the marriage for about one year the complainant was treated well by the applicants. Thereafter the applicants started demanding Rs. 1 lakh for purchasing Tavera car to the complainant and on that count they illtreated her mentally and physically. Prior to three months the applicants assaulted and abused her and drove her out of the house and since then she started residing at her parental house. When she was at her parental house, her husband, father-in-law and elder brother-in-law came there and threatened her that if she has not brought the money they will kill her. With these allegations, offence came to be registered against the applicants for the offences punishable under section 498-A, 323, 504 read with section 34 of the Indian Penal Code.

4. We have heard the arguments of Mr. Patil, learned counsel for the applicants, Mr. Dasalkar, learned APP for the respondent No.1/State and Mr. Gaikwad, learned counsel for respondent No. 2.

5. On perusal of the contents of the first information report it appears that specific allegations of illtreatment, demand of money and

assault are made against applicants No. 1 to 5. The allegations against the applicants No. 6 and 7 are vague and general in nature. No specific instance or particular act alleged or quoted in first information report against the applicants No. 6 and 7. It also appears that applicant No. 6 and 7 are married sisters of applicant No. 1 (husband). Applicant No. 6 is residing at Nanded with her husband from last 17 years and applicant No. 7 is residing at Bhokar with her husband. Prima-facie it appears that the applicants No. 6 and 7 have no concern with the family matters of applicant No. 1. Therefore, prima-facie it appears that there is no force in the allegations of the complainant made against the applicants No. 6 and 7.

6. In view of the above and on perusal of the first information report as well as statement of witnesses it also appears that there is no material particular quoting any specific incident of visit or about illtreatment or harassment at the hands of applicants No. 6 and 7 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 applicant No. 6 and 7. Hence to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of applicants No. 6 and 7. Hence, following order:

ORDER

1. Application of applicant No. 6 Naseembegum w/o Mohamad Sujathussain and applicant No. 7 Kausarbegum

w/o Mohd. Azhar is allowed and first information report filed against them is quashed and set aside.

2. Relief is granted in terms of prayer clause 'B' only to the extent of applicants No. 6 and 7.
3. Application of applicants No. 1 to 5 stands rejected.
4. Rule made absolute in those terms.
7. Criminal application is disposed of.

(K. L. WADANE, J.)

(T.V.NALAWADE,J.)

mkd/-