

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

Criminal Application No.429 of 2018

- 1) Bashirasaleha w/o Waheedoddin
Soudagar,
Age 68 years, Occupation Household
R/o Noor Colony, Thodga Road,
Ahmedpur, District Latur.
- 2) Junaid s/o Waheedoddin Soudagar,
Age 28 years, Occupation: Lawyer,
R/o Noor Colony, Thodga Road,
Ahmedpur, District Latur.
- 3) Mohsin Azhar s/o Hussain Bayzeed,
Age 54 years, Occupation: Business,
R/o Noor Colony, Thodga Road,
Ahmedpur, District Latur.
- 4) Firdos w/o Akhtar Hussain,
Age 37 years, Occupation: Household,
R/o Near Suraj Talkies Hyderabad.
- 5) Asif Abdulla s/o. Hussain Bayzeed,
Age 75 years, Occupation: Pensioner,
R/o. Chaitanya Nagar, Nanded.
- 6) Naveed Parwaiz s/o. Waheedoddin
Soudagar,
Age 41 years, Occupation: Service,
R/o Ahmedpur, District Latur
At present Jeddah, Saudi Arabia.
- 7) Shahedoddin s/o Waheedoddin
Soudagar,
Age 35 years, Occupation: service
R/o Ahmedpur, District Latur
At present Buraidah-Riyadh Area,
Saudi Arabia.

- 8) Huma Samreen w/o. Shahedoddin
Soudagar,
Age 25 yeas, Occupation: Household,
R/o Ahmedpur, District Latur
At present Buraidah-Riyadh Area,
Saudi Arabia. .. **Applicants.**

Versus

- 1) The State of Maharashtra.
- 2) Ayesha w/o Tauheed Gulrej,
Age 21 years, Occu: Household,
R/o Noor Colony, Thodga Road,Ahmedpur
Now residing at Arabgalli,
Itwara Nanded, District Nanded. .. **Respondents.**

Shri. Ganesh Shinde, Advocate, for applicants.

Mrs. D.S. Jape, Additional Public Prosecutor, for
respondent No.1.

Shri. G.J. Karne, Advocate, for respondent No.2.

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

Date: 04 JULY 2018

JUDGMENT (Per T.V. Nalawade, J.):

- 1) Rule. Rule made returnable forthwith. By
consent heard both the sides for final disposal.
- 2) The proceeding is filed under section 482 of the
Code of Criminal Procedure for the relief of quashing of

F.I.R. No.249/2017 registered with Itwara police Station Nanded for offences punishable under sections 498-A, 323, 504, 506, 34 etc. of Indian Penal Code. Crime is registered on the basis of report given by respondent No.2 - Ayesha. Applicant No.1 is the mother of husband of Ayesha, applicant No.2 is brother of the husband of the first informant. Applicant No.3 is maternal uncle the husband of the first informant. Applicant No.4 is married sister of husband of the first informant. Applicant No.5 is maternal uncle of the husband of the first informant. Applicant No.6 is brother of husband, Applicant No.7 is also brother of husband and applicant No.8 is wife of applicant No.7. Applicant Nos.6,7 and 8 are residents of Saudi Arabia and they are there for service. Applicant No.4 is resident of Hyderabad and applicant No.5 is resident of Nanded.

3) Record is produced to show that, husband and applicant Nos.1 and 2 were living together in House No.A-128, Noor Colony, Thodga Road, Ahmedpur, District Latur. There is record to show that applicant Nos.3 to 8 are not residents of the aforesaid address. Record like electricity

bills and passports are produced in support of the contentions made by these applicants that they are not living with applicant Nos.1 and 2 and the husband of the first informant.

4) In the F.I.R. vague allegations are made as against applicant Nos.3 to 8. The marriage took place on 21-2-2016 and allegations are made that after the marriage the accused persons including applicant Nos.1 and 2 started harassing her. Allegations are made that her husband was asking her to bring Rs. three lakh from her parents and this demand was not met with. Allegations are made that when applicant No.4 Firdos had taken applicant No.1 for treatment to Hyderabad she had gone to Hyderabad and there applicant No.4 Firdos had given ill-treatment to her. No reason however is given for that ill-treatment. Vague allegations are made that applicant No.4 - Firdos was instigating other applicants to give ill-treatment. Even allegations are made that on 3-6-2016 she was taken to Saudi Arabia by her husband for short stay and during that short stay, present applicant Nos.7 and 8 had given ill-treatment to her.

5) In view of nature of allegations made by the first informant as against applicant Nos.3 to 8 and in view of the circumstance that they are living separate from the family of the husband of first informant this Court holds that it will be abuse of process of law if these applicants are made to face trial of the case. Apparently there is exaggeration made by the first informant.

6) In the result, application of applicant Nos.3 to 8 is allowed. Relief is granted to them in terms of prayer clause (B). The application of applicant Nos.1 and 2 is dismissed as withdrawn as such statement was made during arguments. Rule is made absolute in the aforesaid terms.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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