

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

CRIMINAL APPLICATION NO. 567 OF 2018

1. Imran s/o Abdul Karim Tamboli **... Applicants**
Age 34 years, Occu: Teacher **(Orig.Accused)**
R/o c/o Ashok Maruti Gaikwad,
At Tambi Post Rohat
Tq. & Dist. Satara
2. Masumbi w/o Abdul Karim Tamboli
Age 75 years, Occu: Nil
R/o Vikas Nagar, Mohammdiya
Colony, Latur.
3. Salim s/o Abdul Karim Tamboli
Age 51 years, Occu: Labour
4. Hasina w/o Salim Shaikh
Age 47 years, Occu: Household
5. Akhil s/o Abdul Karim Tamboli
Age 50 years, Occu: Labour
6. Shaijadi w/o Akhil Tamoli,
Age 51 years, Occu: Household
Applicant 3 to 6 R/o Room No.
888, 2/2, Akbar Suleman
Compound, SMD Road, near Shakh
Misri Dargah, Antop Hill,
Wadala, Mumbai 400 037
7. Nasim w/o Munir Shaikh
Age 44 years, Occu: Household
8. Munir s/o Usman Shaikh
Age 54 years, Occu: Business
Applicant No.7 and 8 R/o Khirni
Mala, Rasul Pura, Osmanabad
9. Parveen w/o Mohammed Ali
Siddiqui

Age 42 years, Occu: Household
R/o Near Anjuman Islamik High
School, M.K. Residency, E Wing,
404, CST Road, Kurla West,
Mumbai 400 070

VERSUS

1. The State of Maharashtra
Through Police Station Incharge
Udrig, Tq. Udgir, Dist. Latur
2. Nishat Anjum w/o Imran ... Respondents
Tamboli,
Age 31 years, Occu: Service,
R/o Municipal Corporation thane
Primary School No.106, Simla
Park, Mumbra, Mumbai.

Mr. Fayaz K. Patel, Advocate for the applicants
Mr. S. J. Salgare, APP for the respondent State.
Mr. I. D. Maniyar, Advocate for respondent No.2

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

DATE: : 20th June, 2018

JUDGMENT (Per K. L. Wadane, J.):

1. Rule. Rule made returnable forthwith. With the consent of the parties, the application is taken up for final hearing.
2. The application is filed under section 482 of the Code of Criminal Procedure for relief of quashing of first information report bearing Crime No. 213/2017 registered with Police Station Udgir, Dist. Latur for the offence punishable under Section 498-A, 323, 504,

506 read with 34 of the Indian Penal Code.

3. Respondent No.2/original complainant lodged first information report against the present applicants alleging that she got married with applicant No.1 Imran. Gold ornaments of 9 tolas and household articles were given to her by her parents at the time of marriage. After marriage she was treated well for one year, however, thereafter the applicants started ill-treating her. The applicants/accused have asked the complainant to bring Rs. 5 lakhs from her parents for purchasing agricultural land and in pursuance to the demand, applicants threatened her that if she fails to bring the money, then applicant No.1 will not cohabit with her. Applicants 2 to 9 used to harass the complainant by going Mumbai and were asking account of her salary. It is also alleged that prior to five month of lodging FIR she was residing with her parents at Udgir. The applicants accused came there and threatened her parents that if they fail to give Rs.5 lakh to the applicants then they will divorce the complainant. With these allegations, offence came to be registered against the applicants accused for the offences punishable under sections 498-A, 323, 504, 506

read with 34 of the Indian Penal Code.

4. Heard Mr. Fayaz K. Patel, learned counsel for the applicants, Mr. S. J. Salgare, learned APP for the respondent State and Mr. I. D. Maniyar, learned counsel for respondent No.2 learned counsel for respondent No.2.

5. Learned APP submits that there is some misconception due to which the charge- sheet is not filed though investigation is completed. By order dated 12th March, 2018, this has not prevented the investigating agency from filing charge-sheet and indirectly only the relief of anticipatory bail was granted.

6. Learned counsel for the applicants submitted that he is not pressing the application for applicant No.1-Imran, husband of the complainant and he wants to withdraw the same.

7. On perusal of the first information report, it appears that since beginning complainant is residing and serving at teacher at Mumbra. Her husband Applicant No.1 is serving at Satara and he was coming to Mumbai once in a week on holidays. Applicant Nos. 2 to 9 are

relatives of husband of the complainant such as mother, brother, sister-in-law, married sisters and their husbands etc. They are all residing separately at their receptive houses, away from the place, where the complainant is residing.

8. On perusal of the first information report, it appears that there is no material particular quoting any specific incident of visit or about ill-treatment or harassment against applicant Nos. 2 to 9 so as to attract ingredients of section 498-A of the Indian Penal Code. Allegations against applicant Nos. 2 to 9 in the first information report are vague and general in nature. No specific act or overt-act is attributed to them. Secondly, even if the allegations in the first information report are taken at its face value, there is no specific instance or material particular which would strengthen the allegation of the complainant that there was harassment or ill-treatment at the hands of applicant Nos. 2 to 9 as contemplated under the provisions of Section 498-A I.P.C. so as to even make out a prima facie case against them.

9. In view of the above, we find considerable force in the argument of Mr. Shaikh, learned counsel for

quashing the criminal proceedings against applicant
Nos. 2 to 9. Hence following order:

O R D E R

- i. Application of applicant Nos. 2 Mausambi, 3) Salim,
4) Hasina 5) Akhil, 6) Shaijadi, 7) Nasim, 8)
Munir and 9) Parveen is hereby allowed.
- ii. First information report bearing Crime No. 213/2017
registered with Udgir Police Station, Dist. Latur
is hereby quashed and set aside to the extent of
Applicant Nos. 2 to 9.
- iii. Application of Applicant No. 1 Imran is disposed
of as withdrawn. Interim relief in respect
of applicant No.1 is vacated.
- iv. Rule is made partly absolute in the above terms.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

JPC