

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 1560 OF 2018

1. Isamiya S/o Osman Khureshi,
Age: 70 Years, Occ: Business,
 2. Saira W/o Isamiya Khureshi,
Age: 67 years, Occ: House Hold,
 3. Shakil S/o Isamiya Khureshi,
Age: 48 years, Occ: Business,
 4. Raju S/o Isamiya Khureshi,
Age: 32 years, Occ: Business,
- (Applicant Nos.1 to 4, R/o. Siddi Colony
New Mondha, Bhim Nagar Majalgaon,
Tq. Majalgaon, Dist. Beed)
5. Shama W/o Shafik Khureshi,
Age: 36 years, Occ: House Hold,
R/o Khatik Galli, Ghatnandur,
Tq. Ambajogai, Dist. Beed.
 6. Nazima W/o Atik Khureshi,
Age: 38 years, Occ: Household,
 7. Sultana w/o Mumtaz Khureshi,
Age: 62 years, Occ: Household,
Applicant Nos.6 & 7, R/o. Dargha Road
Khatik Galli, Kaij, Tq. Kaij, Dist. Beed.
 8. Khadir S/o Rasheed Khureshi,
Age: 49 years, Occ : Business,
R/o. Subhedar Galli,
Near Khureshi Masjid, Ahmednagar,
Tq. & Dist. Ahmednagar.

... APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Paranda Police Station,
Dist. Osmanabad.
2. Aasma W/o Nasir Khureshi,
Age: 42 years, Occ: Household,
R/o. House No.9/107,
Palla Galli Nizampura, Paranda,
Tq. Paranda, Dist. Osmanabad.

... RESPONDENTS

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Mr. G. R. Syed, Advocate for Applicants.
Mrs. V. S. Choudhari, APP for Respondent No.1 / State.
Mr. A. V. Lavte, Advocate for Respondent No.2.

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CORAM : **T. V. NALAWADE &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 03rd December, 2018.

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

. 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 relief of quashing of FIR No.49 of 2018, registered with Paranda Police Station, Taluka Paranda, District Osmanabad, for the offences punishable under Sections 498-A, 323,

504 and 506 read with 34 of the Indian Penal Code.

3 The crime is registered on the basis of report given by Respondent No.2, Smt. Aasma. She has made allegations against the Applicants, who are relatives of her husband. Applicant Nos.1 and 2 are parents of husband and other Applicants are brothers and sisters of husband. Allegations are made that ill-treatment was started to the first informant after January 2018. She has six issues from the husband and she has not made any allegation against the husband. It is her contention that for some period she had cohabited with the husband at Majalgaon where the parents and brothers of husband were living with the husband, but when her husband sustained loss in *Bhishi* (similar to chit fund) business, he shifted to Paranda, place of her parents.

4 It is the contention of first informant that at Paranda her parents helped the husband to purchase some property and start business of gas welding and garage. It is contended that when the husband shifted to Paranda, the Applicants started harassing her and her husband by saying that loan was taken by them and to repayment of the loan, her parents need to give Rs.50,000/-. It is contended that

due to the harassment of the Applicants, her husband also started harassing her and she was required to sign some documents to take loan on the property purchased in the name of the husband. It is contended that on 11th April, 2017, her husband left home and he was not available for quite some time and during that period, demand of Rs.50,000/- was pressed. It is contended that she is living in Paranda, but the Applicants are not ready to take her back to Majalgaon for cohabitation with husband. Allegations are made that on 28th January, 2008, all the Applicants came to her parents house and assaulted her. She gave report against the Applicants on 7th February, 2018 and it is contended that the conduct of the Applicants did not improve and so she was required to file the present report.

5 The record produced by the Applicants shows that most of the Applicants were living separate from the family of husband, even in the initial days of cohabitation of the first informant. Admittedly, after few years of cohabitation at Majalgaon, she and her husband shifted to Paranda and they settled there. The submissions made show that at Majalgaon, husband of first informant had sustained loss in *Bhishi* business and probably he committed same mistake at

Paranda and he was indebted. Possibility that the first informant and her husband are trying to pressurize the Applicants to pay some amount for the help of husband of first informant is there. The allegations made against the Applicants are very vague in nature. In ordinary course, the first informant would have made allegations against the husband, but she has avoided to do so and due to this circumstance, the aforesaid probability is created. In view of these circumstances, this Court holds that relief needs to be granted to all the Applicants. In the result, the following order is passed:

ORDER

- I. The application is allowed.
- II. Relief is granted in terms of prayer clause (B).
- III. The fees of the learned appointed counsel is quantified as Rs.3,000/- and it is to be paid through the High Court Legal Services Authority.
- IV. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T. V. NALAWADE, J.]