

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO.2519 OF 2017**

1. Khayyum s/o Musa Qureshi,
Age : 24 years, Occu : Business,
R/o Talkhed, Tq. Majalgaon, Dist. Beed.
2. Musa Ismail Qureshi,
Age : 56 years, Occu : Agril.,
R/o Talkhed, Tq. Majalgaon,
Dist. Beed.
3. Nasima Musa Qureshi,
Age : 50 years, Occu : Household,
R/o Talkhed, Tq. Majalgaon,
Dist. Beed.
4. Hina w/o Altaf Shaik,
Age 22 years, Occu. Household,
R/o Room No. 181, Jamadar Chawl,
Sevak Nagar, Jari-mari, Kurla (W)
Mumbai.
5. Najreen d/o Musa Qureshi,
Age 19 years, Occu. Household,
R/o Talkhed, Tq. Majalgaon,
Dist. Beed.
6. Rukaiyya w/o Nayyum Qureshi,
Age : 26 years, Occu : Household,
R/o Talkhed, Tq. Majalgaon,
Dist. Beed.
7. Asma Jainu @ Majed Qureshi,
Age : 25 years, Occu : Household,
R/o Talkhed, Tq. Majalgaon,
Dist. Beed.

8. Mohsin Musa Qureshi,
Age : 21 years, Occu : Agri/Business,
R/o Talkhed, Tq. Majalgaon,
Dist. Beed.

9. Wasim Musa Qureshi,
Age : 23 years, Occu : Agri/Business,
R/o Talkhed, Tq. Majalgaon,
Dist. Beed.

10. Jainu @ Majed Musa Qureshi,
Age : 32 years, Occu : Driver,
R/o Talkhed, Tq. Majalgaon,
Dist. Beed.

11. Nayyum Musa Qureshi,
Age : 28 years, Occu : Driver,
R/o Talkhed, Tq. Majalgaon,
Dist. Beed.

... **Applicants**
(Orig. Accused)

VERSUS

1. The State of Maharashtra,
through Police Station,
Vivekanand Chowk, Latur,
Tq. & Dist. Latur.
[Copy to be served on P. P.
High Court of Bombay,
Bench at Aurangabad].

2. Tajmoon w/o Khayyum Qureshi,
Age : 21 years, Occu : Household,
R/o Talkhed, Tq. Majalgaon,
Dist. Beed. At present Anjali Nagar, Latur,
Tq. & Dist. Latur.

... **Respondents**
(Resp. No. 2 is
Orig. informant)....

Advocate for Applicants : Mr. A. V. Lavte h/f Mr. Salunke Sudarshan J.
APP for respondent/State : Mr. S. B. Pulkundwar
Advocate for Respondent No. 2 : Mr. R. B. Deshmukh

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

DATE : 27th 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. 163/2017 registered with Vivekanand Chowk Police Station, Latur, Dist. Latur for the offence punishable under Section 498A, 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 on 12.04.2017 alleging that she was married to applicant No. 1 Khayyum Musa Qureshi on 08.05.2014 and started living with her husband at her matrimonial home. It is alleged that she was treated well by the applicants initially for about six months. Thereafter, her husband asked the complainant

to bring Rs. 1,00,000/- from her parents to purchase cattle. It is alleged that the applicants harassed and abused her on one or the reasons such as saying that she lack knowledge of cooking, household work. It is alleged that her husband used to always beat her and he also gave threat to kill her. It is alleged by the complainant that her sister-in-laws used to provide inadequate food and abuse her. It is further alleged that when her six months old child suffered from Pneumonia, no medical treatment was provided by applicants and ultimately the child died on 16.08.2016. Parents of the complainants tried to convince the applicants to treat her well but in vain. 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. A. V. Lavte h/f Mr. S. J. Salunke, learned counsel for the applicants, Mr. S. B. Pulkundwar, learned APP for the respondent-State and Mr. R. B. Deshmukh learned counsel for respondent No.2.

5. On perusal of the contents of the first information report, specific allegations of demand of money, ill-treatment and harassment,

threat appear to be made against applicants 1 to 3. Applicant Nos.2 is father-in-law and Applicant no.3 is mother-in-law of the complainant. There are specific allegations against applicant Nos. 1 to 3 that they have harassed the complainant and were beating her in pursuance of demand of money.

6. From the record, it appears that Applicant Nos.4 and 5 are sisters of applicant No.1 husband. Applicant No.4 is married and residing separately at Mumbai, whereas, applicant Nos.6 to 11 are brother-in-laws and sister-in-laws of the complainant. All family members of the accused husband are roped in the offence. Allegation against them is that they were harassing and abusing the complainant.

7. On perusal of the first information report, it appears that there is no material particular quoting any specific incident of ill-treatment or harassment against applicants No. 4 to 11 so as to attract ingredients of section 498-A of the Indian Penal Code. Allegations against applicants No. 4 to 11 in the first information report are vague and general in nature. No specific instance or material particular quoted in the FIR which would strengthen the allegation of the complainant that there was harassment or ill-treatment at the hands of applicants No. 4

to 11 . On its face, the complaint does not constitute any offence against applicants No. 4 to 11. Nothing can be achieved if criminal proceeding is allowed to be continued against these applicants. Therefore, we found considerable force in the argument of Mr. A. V. Lavte, learned counsel for the applicants for quashing the F.I.R. to the extent of the applicants No. 4 to 11.

8. In view of the above, in order to prevent the abuse of process of law, we find that discretion needs to be exercised in respect of Applicant Nos. 4 and 11. Hence following order:

O R D E R

- (1) Application of applicant Nos.4 to 11 is hereby allowed. Relief is granted in terms of prayer clause (B-II) only to the extent of Applicant Nos. 4 to 11.
- (2) The Application of Applicant Nos.1 to 3 stands dismissed.
- (3) Rule is made partly absolute in the above terms.

(K. L. WADANE, J.)

(T. V. NALAWADE, J.)

JPC