

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1831 OF 2018

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| 1. | Sultana W/o. Kaleem Dange, Aged
22 Years, Occ. Housewife, Residing
at Plot No.9, Mahemoodpura, in
front of Taj Residency, Aurangabad | APPLICANTS |
| 2. | Kaleem Abdul Raheman Dange, Aged
34 Years, Occupation Business,
Residing at as above | |

V E R S U S

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| 1. | The State of Maharashtra, Through
Mukundwadi Police Station, Dist.
Aurangabad | RESPONDENTS |
| 2. | Humera W/o Sadeq Pathan, Aged
22 years, Occupation Housewife,
R/o. C/o. Sunnabi Rasool Patel,
Patel Rice Kirana Shop, In front
of Masjid, Chikalthana, Aurangabad | |

Mr. Shaikh Mobin H. for the applicants
Mr. M.M. Nerlikar, A.P.P. for respondent No.1
Mr. Kayyum N.Shaikh, Advocate for respondent No.2

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

DATE : 31st AUGUST, 2018

ORAL JUDGMENT [PER: T.V. NALAWADE, J.] :

Rule. Rule is made returnable forthwith. By consent of both the sides, this application is taken up for final hearing. Heard both the sides.

2. The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of police case which is given number as R.C.C. No.1039/2018, pending in the Court of Judicial Magistrate [First Class], Aurangabad. The case is filed in C.R. No.1078/2016, registered with Mukundwadi Police Station for the offences punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code. Applicant No.1 is the sister of husband of respondent No.2 and applicant No.2 is the husband of applicant No.1.

3. In the F.I.R. given on 18.10.2016, respondent No.2 has made allegations that after few days of the marriage, her mother-in-law started harassing her and

she used to instigate the husband to give ill-treatment. The allegations are made that after few days of the marriage, due to instigation given by the parents of her husband, she was driven out of the house and sent back to house of her parents. It is her case that as there was demand of a Gold chain of one Tola from mother of her husband, this demand was met with and then she was accepted in her matrimonial house. It is contended that even after fulfillment of demand, the ill-treatment was continued to her. She has made allegations that present applicants and her husband had come to her matrimonial house and applicants had instigated her husband to give divorce to her, and due to that instigation, her husband was harassing her. One more incident is mentioned to show that in the presence of the applicants, her mother-in-law had given abuses to her, and ultimately, she was deserted from November, 2015.

4. Admittedly, the applicants are resident of different place. The statements of close relatives of

the first informant like brother show that they had no grievance as against the present applicants. The allegations against the present applicants are very vague. This Court holds that in view of aforesaid circumstances, relief needs to be granted to the present applicants.

5. In the result, application is allowed. Relief is granted to the applicants in terms of prayer clause "A". Rule is made absolute in aforesaid terms.

[SMT.VIBHA KANKANWADI,J.]

[T.V. NALAWADE, J.]