

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2068 OF 2018

Mohd. Juber Ikram Patel,
Age 43 years, Occ. Business,
R/o. C. I. V. Housing Society, Darga
Daira Road, Ahmednagar.

...Applicant

Versus

- 1) The State of Maharashtra
Through Investigation Officer,
Bhingar Camp Police Station,
Ahmednagar Dist. Ahmednagar.
- 2) Mujawar Rubina Shaheen Juned,
Age 25 years, Occupation household,
R/o C/o. K. K. Khan, 35/1, Happy
Home Colony, Fakirwada (Govindpura),
Ahmednagar Dist. Ahmednagar.

...Respondents

Mr. N. B. Narwade, Advocate for applicant.
Mr. S. J. Salgare, Addl. Public Prosecutor, for respondent
No.1 / State.
Mr. K. N. Shaikh, Advocate for respondent No.2.

CORAM : T. V. NALAWADE &

SMT.VIBHA KANKANWADI. JJ.

DATE : 05-09-2018.

ORAL JUDGMENT : (Per SMT. VIBHA KANKANWADI, J.)

1. Present application has been filed by original accused No.5
invoking the inherent powers of this Court under Section 482 of the

Code of Criminal Procedure in order to quash the First Information Report vide Crime No. 184 of 2018, registered with Bhingar Camp Police Station, Ahmednagar, for the offences punishable under Section 498-A, 323 of the Indian Penal Code.

2. Respondent No.2 got married to one Mujawar Juned Jabbar on 01-11-2013. Present applicant is the maternal uncle of said Mujawar Jabbar.

3. Respondent No.2 – informant has contended that, at the time of marriage her father had given household articles and gold ornaments. She had begotten one daughter and one son from the said wedlock. Her husband was working at Maskat. When he lost the job at Maskat, during the period from 04-11-2014 to 03-05-2015 he was at Ahmednagar in his house. During the said period all family members started ill-treating to the respondent No.2. She found one gift pack with one wallet and one love letter in the articles of her husband on 01-05-2015. When she asked about it to her husband, her husband slapped her and torn the said love letter and threatened her to kill. Thereafter they went to reside at Mumbai on 04-05-2015. Her husband avoided to purchase grocery, vegetables with an intention to harass her in Mumbai. She has seen mobile of her husband on 21-06-2015 and found many SMS received from other lady as well chatting with that lady. She told this fact to her

cousin father-in-law and mother-in-law. At that time they threatened her not to disclose this fact to any one. On the same day when her husband returned from the work, he assaulted her. When they started residing at Ahmednagar, her in-laws and husband demanded Rs.10 lakh to her on 27-04-2016 for the purpose of business. She told this fact to her father. Her father gave Rs.50,000/- on 18-03-2016. Again on 23-02-2016 her father gave Rs.1 lakh. On 26-04-2017 her husband asked her why she is not bringing Rs.10 lakhs and also asked to make arrangement of Rs.15000/- for the purpose of admission of daughter. On that count her husband assaulted her. Her in-laws and maternal uncle of her husband i.e. present applicant instigated her husband to assault respondent. Her family members tried to convince her husband and in-laws but all efforts went in vain and they refused to cohabit respondent no.2. Therefore, informant has lodged the report.

4. The applicant has contended that, it is a false and concocted story. It is afterthought allegations with only intention to harass him. As he is cousin father-in-law, he is the distant relative. Sister of the applicant is mother-in-law of respondent No.2 and only on that count respondent implicated him as accused. He has no concern with the affairs of respondent and her family members. No specific role is attributed to applicant. Therefore, he has prayed for quashment of the proceeding.

5. Respondent No. 2 has filed affidavit in reply to contest the application. She has repeated the contents of her FIR in her affidavit and therefore, they are not reproduced here.

6. Heard learned Advocate Mr. N. B. Narwade appearing on behalf of applicant, learned Addl. Public Prosecutor Mr. S. J. Salgare and learned Advocate Mr. K. N. Shaikh, appearing on behalf of respondent No.2. All of them have argued in support of their respective contentions.

7. No specific role has been attributed against applicant. Vague statement is made that he has instigated husband. In which way there was instigation has not been clarified. If at all there would have been a demand it would have been mainly by the husband and the father and mother-in-law. The perusal of the entire FIR would show that all of them had made the demand in chorus which is not possible when elders are there. Nothing was demanded by applicant for himself as per the allegations in the FIR itself. It appears that, as a routine all the relatives of the husband have been roped. Under such circumstance relief is required to be granted to the applicant by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) Application is hereby allowed.
- 2) Relief is granted in terms of prayer clause "C".
- 3) Rule made absolute in the above terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.