

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

Criminal Application No. 02154 of 2018

District : Beed

1. Najama Khatoon
w/o. Mohammad Ibrahim Khan,
Age : 70 years,
Occupation : Household,
R/o. Ali Shaha Mohalla,
Parbhani,
Taluka & Dist. Parbhani.
2. Mohammad Anis Khan
s/o. Mohammad Ibrahim Khan,
Age : 43 years,
Occupation : Service,
R/o. Qurban Ali Shah Nagar,
Dargah Road, Parbhani.
3. Ayeshakhanam w/o. Sahajadkhan,
Age : 35 years,
Occupation : Household,
R/o. Plot no.76,
Triveni Nagar, Times Colony,
Aurangabad.
4. Sahajadkhan s/o. Rahimkhan,
Age : 44 years,
Occupation : Service,
R/o. Plot no.76,
Triveni Nagar,
Times Colony, Aurangabad.

.. Applicants.

versus

1. The State of Maharashtra,
Through Police Station,
Parli City,
Taluka Parli,
District Beed.

.... Contd.

2. Najama Begum
w/o. Mohammad Shakil Khan,
Age : 28 years,
Occupation : Household,
R/o. Peth Mohalla,
Parli (V),
Taluka Parli, Dist. Beed.

} .. Respondents.

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Mr. Sohel E. Siddiqui, Advocate, for the applicants.

Ms. V.S. Choudhari, Additional Public Prosecutor, for respondent no.01.

Mr. S.G. Rudrawar, Advocate, for respondent no.02.

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

DATE : 27TH SEPTEMBER 2018

JUDGMENT *[Per Smt. Vibha Kankanwadi, J.] :*

01. At the outset, learned Advocate for the applicants seeks permission to withdraw the application to the extent of applicant no.01 - Najama Khatoon and applicant no.02 - Mohammad Anis Khan.

02. Permission granted. Application stands disposed of as withdrawn to the extent of applicants no.01 and 02.

03. Rule. Rule made returnable forthwith. By consent, heard finally.

04. Present application has been filed by original accused persons 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. 102 of 2018, registered with Parli City Police Station, Tal. Parali, Dist. Beed for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code.

05. Respondent No.2 got married to applicant No.1 on 30-03-2008 at Parali. Applicant No.1 is the mother-in-law of respondent No.2, Applicant No.2 is brother-in-law. Applicant No. 3 is sister-in-law and applicant No. 4 is husband of applicant No. 3.

06. Respondent No.2 – informant has contended that, at the time of marriage her father had given domestic articles, jewelery and dowry of Rs.35,000/-. She was treated properly for one month after marriage at her matrimonial home. She had come to meet her parents at Parali. When her husband had gone there to fetch her back, he was not happy with hospitality by her parents. He told the said fact to applicants No. 1 to 3. Since then all of them started harassing her. They started demanding amount of Rs.10 lakhs for construction of house. She disclosed the said fact to her parents and brothers. A compromise was arrived at on 29-11-2015 at Parbhani. Thereafter, she was treated

properly for some days. Thereafter, she was harassed on the count of demand of Rs.10 lakhs as well as on the count that she has not yet conceived and she is unable to cook properly. All the accused persons used to abuse her, beat her. Her parents advised her to wait for better sense to prevail on applicants and husband. She was therefore, suffering the harassment. Her husband quarreled with her on 16-05-2018 and assaulted her on 17-05-2018. She was driven out of the house on that day. She was treated in a hospital at Parbhani and left her at Parali. Applicants went to Parali on 17-06-2018 and demanded money. They abused her parents. Therefore, she has lodged the report.

07. The applicants have contended that, Parali Police Station has no jurisdiction to entertain the report. Only omnibus statements are made about alleged harassment. Details of the events have not been given and they have been kept as vague as possible. Applicants No. 3 and 4 are resident of Aurangabad. They have not done any act of harassment. Therefore, they have prayed for quashment of the proceedings.

08. Heard learned Advocate Mr. S. E. Siddiqui appearing on behalf of applicants, learned Addl. Public Prosecutor Ms. V. S. Choudhary on behalf of respondent no.01 and learned Advocate Mr. S. G. Rudrawar, appearing on behalf of respondent No.2. When it was pointed out to the learned advocate for

the applicants that, this Court is not inclined to grant any relief to applicants No.1 and 2, he prayed for withdrawal of the application as against them.

09. The application was considered only for the allegations against the married sister-in-law applicant No.3 and her husband applicant No.4. No specific role has been attributed against them in respect of offence under Section 498-A of the Indian Penal Code. They are resident of Aurangabad. They got married prior to the marriage between respondent No. 2 and her husband. Visits of applicant No. 3 and 4 to the house of applicant No. 1 and 2, can not be termed as visits with an intention to commit crime. It is alleged that there was demand of amount to the respondent No. 2. If at all there would have been a demand it would have been mainly by the husband, 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 applicants No.3 and 4 for themselves as per the allegations in the FIR itself. So, it appears that, as a routine all the relatives of the husband have been roped. It would be futile exercise to ask applicants No. 3 and 4 to face trial. Under such circumstance relief is required to be granted to the applicants No.3 and 4 by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, following order.

ORDER

- 1) Application of applicants No.3 and 4 is hereby allowed.
- 2) Relief is granted in terms of prayer clause "B" as well as in respect of charge-sheet, to the extent of applicants no.03 and 04. R. C. C. No. 150 of 2018 pending before Judicial Magistrate First Class, Parali, is hereby quashed and set aside to the extent of applicants No. 3 and 4.
- 3) Application to the extent of applicants No.1 and 2 is hereby disposed of as withdrawn.

10. Rule made absolute in the above terms.

(Smt. Vibha Kankanwadi)
JUDGE

(T.V. Nalawade)
JUDGE

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puranik (#) / CRIAPPLN2154.18

Bhagwan
Govindrao
Puranik

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