

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5127 OF 2012

- 1) Alishah Khan s/o Azad Khan,
Age 61 years, Occ.: Pensioner,
R/o.: Iqbal Nagar, Parbhani, Tq.
& Dist. Parbhani.
- 2) Nasim Akhtar w/o Alishah Khan,
Age 53 years, Occ.: Service,
R/o.: As above.
- 3) Ayesha Kausar d/o Alishah
Khan, Age 32 years, Occ.: H.H.,
R/o.: As above.
- 4) Meraj Akhtar d/o Alishah Khan,
Age 28 years, Occ.: H.H., R/o.:
As above.
- 5) Shafiya Anjum d/o Alishah
Khan, Age 26 years, Occ.: H.H.,
R/o.: As above.

...**Applicants**

Versus

- 1) The State of Maharashtra,
Through, Police Station
Bhagynagar, Nanded in Crime
No. 109/2012.
- 2) Sobiya Tabassum alleged to be
W/o Imran Khan, Age 24 years,

Occ.: H.H., R/o.: Pir Burhan
Nagar, Nanded, Tq. & Dist.
Nanded.

...**Respondents**

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Advocate for Applicants : Mr. Pravin N. Kalani

APP for Respondent No.1/State : Mrs. D.S. Jape

Advocate for Respondent No.2 : Mr. R.B. Narwade

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

DATE : 25TH JULY, 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 present applicants have challenged the first information report vide Crime No. 109/2012 and charge-sheet bearing RCC No. 725/2012 for the offences punishable under Sections 498(A), 504, 506 read with 34 of the Indian Penal Code.
3. We have heard the arguments of the learned counsel appearing for the applicants as well as for the respondents. We

have also perused the first information report and the other record. On perusal of the same, it appears that the respondent No.2 herein lodged the complaint to the Police Station, Bhagynagar, Nanded on 26.08.2012, alleging that she married with one Imran Khan Ali, head master of a school at Parbhani on 28th March, 2010. After the marriage, the husband and in-laws have treated her nicely for three months. Subsequently, all the applicants were ill-treating the respondent No. 2 mentally and physically on one or the other reasons. The applicant No. 3 Ayesha is the married sister of her husband and serving as a head mistress. She was also giving ill-treatment. It is further alleged that her husband was beating her. The applicant No. 2 mother-in-law was insisting the respondent No. 2 to do certain works. On 25.08.2012, the husband of the respondent No. 2 abused her and demanded an amount of Rs. 5 lakhs. On the information given by the respondent No. 2, offence came to be registered as referred above. On the face of record i.e. from the contents of the report itself, the allegations against the applicant Nos. 3 to 5 are absolutely vague. No particular act or overt act of the applicant Nos. 3 to 5 have been mentioned in the

first information report. They are the sisters of the husband of the respondent No. 2. The nature of the allegations made against them is absolutely vague on the basis of which criminal prosecution cannot be allowed to be continued. The allegations against the applicant Nos. 1, 2 and husband of the respondent No. 2 are specific to some extent. The main allegations about the ill-treatment are appears to be against her husband. At the relevant time, the respondent No. 2 was residing along with the applicants. Therefore, the allegations of ill-treatment at the most can be considered to the extent of the applicant Nos. 1 and 2. But in view of the vague allegations against the applicant Nos. 3 to 5, we are of the opinion that the prosecution about such vague allegations cannot be allowed to be continued.

4. In view of the above, the Application of applicant Nos. 3 to 5 is allowed.

5. Relief is granted to the applicant Nos. 3 to 5 in terms of prayer Clause 'B'.

6. The application of the applicant Nos. 1 and 2 is rejected.
7. Rule is made absolute in those terms.
8. The Criminal Application is disposed of.

[K.L. WADANE, J.]

[T.V. NALAWADE, J.]