

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

CRIMINAL APPLICATION NO. 5251 OF 2017

1. Samir Khan S/o. Karim Khan Pathan,
Age: 30 Years, Occ: Labour,
2. Karim Khan S/o Hussain Khan Pathan,
Age: 70 Years, Occ: Nil,
3. Roshanbee w/o Karim Khan Pathan,
Age: 64 Years, Occ: Household,

Applicant No.1 to 3 R/o. M. G. Road,
Jetpur, Tq. Jetpur, Dist. Rajkot (Gujrat).
4. Feroz Khan @ Raju S/o Karim Khan Pathan,
Age: 41 Years, Occ: Labour,
R/o Bapukiwadi, Jetpur,
Tq. Jetpur, Dist. Rajkot (Gujrat).
5. Nargis Sharif Khan Pathan,
Age: 37 Years, Occ: Household,
6. Sharif Khan S/o Mohammad Khan Pathan,
Age: 44 Years, Occu: Labour,

Applicant No.5 & 6 R/o Jagawala Chowk,
132, Mukati Street, Jetpur, Tq. Jetpur,
Dist. Rajkot (Gujrat).

... APPLICANTS

VERSUS

1. The State of Maharashtra,
Through Police Station Badnapur,
Tq. Badnapur, Dist. Jalna.

2. Parveen Begum W/o Samir Khan Pathan,
Age: 28 Years, Occ: Household,
R/o C/o Shaikh Aziz Babamiya,
Naya Mohalla, Jalna-Aurangabad Road,
Badnapur, Tq. Badnapur, Dist. Jalna.

... **RESPONDENTS**

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Mr. G. R. Syed, Advocate for Applicants.

Mr. M. M. Nerlikar, APP for Respondent No.1 / State.

Mr. S. S. Shaikh, Advocate for Respondent No.2.

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

DATE : 03rd July, 2018.

JUDGMENT: (Per T. V. Nalawade, J.)

. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2 The proceeding is filed under Section 482 of the Code of Criminal Procedure for relief of quashing of FIR No.73 of 2017, registered with Badnapur Police Station, Taluka Badnapur, District Jalna, for the offences punishable under Section 498-A read with 34 of the Indian Penal Code.

3 Respondent No.2 is the wife of Applicant No.1. Applicant

No.2 is the father of Applicant No.1, Applicant No.3 is the mother of Applicant No.1, Applicant No.4 is a brother of Applicant No.1, Applicant No.5 is a married sister of Applicant No.1 and Applicant No.6 is the husband of Applicant No.5.

4 It is the case of first informant that her marriage took place with Applicant No.1 on 18th November, 2016 at Badnapur. It is her contention that after 10 to 12 days of the marriage, ill-treatment was started to her by the husband and all the Applicants, who are relatives of the husband. She did not know even the complete name of Applicant No.6 when FIR was given. Allegations are made that they were asking her to bring money and on that count they were given beating to her. It is her contention that after one month of 18th November, 2016, she was reached to her parents house as the demand of Rs.1,50,000/- was not met with. She first approached the grievance cell and when no response was given by the Applicants to the notice issued by the grievance cell, she filed FIR on 1st May, 2017.

5 There are no specific allegations as against Applicant Nos.4, 5 and 6. However, there is specific contention as against Applicant Nos.1 to 3 that they were living together and there was a

demand of money. As the allegations made against Applicant Nos.4, 5 and 6 are very vague and as in notice which was sent by the wife to husband on 6th January, 2017 there was no allegations made against the relatives of husband like Applicant Nos.4, 5 and 6, this Court holds that it will be abuse of process of law if these Applicants are asked to face the trial if Police file charge-sheet against them.

6 When this Court expressed that this Court is not inclined to grant relief to Applicant Nos.1 to 3, the learned counsel for these Applicants, on instructions, submitted that he wants to withdraw their proceeding. In the result, the following order is passed:

ORDER

- I. The application of Applicant Nos.1 to 3 is disposed of as withdrawn.
- II. The application of Applicant Nos.4, 5 and 6 is allowed and relief is granted to them, which include the relief of quashing of criminal proceeding itself of R.C.C. No.153 of 2017, pending in the Court of Judicial Magistrate First Class, Badnapur to the extent of Applicant Nos.4, 5 and 6.

III. As this is a new relief claimed, amendment was allowed. It is to be effected in the proceeding today itself.

IV. Rule made absolute in those terms.

[K. L. WADANE, J.]

[T. V. NALAWADE, J.]

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