

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6932 OF 2017

- 1) Shaikh Gulamgaus Abdulla Majid,
Age 32 years, Occupation Business,
- 2) Abdul Majid Abdul Nabi,
Age 54 years, Occupation Business,
- 3) Sayrabi Abdul Nabi,
Age 50 years, Occupation Household,
- 4) Rukhsana B. Shaikh Shanoddin,
Age 30 years, Occupation Tailor,
- 5) Shahanaj B Abdul Majid,
Age 26 years, Occupation Household,
- 6) Sajeda B. Abdul Majid,
Age 24 years, Occupation Household.

All R/o Valsad, Govardhan Complex, Near
Vodaphone Office,
In Front of White House,
Bechar Road, Balsad – 396001 (Gujrath) ...Applicants

Versus

- 1) The State of Maharashtra
Through Public Prosecutor,
High Court, aurangabad.
- 2) Rukhsaar Bano Shaikh Gulam Gaus,
Age 24 years, Occupation Household,
R/o K. G. N. Colony, Tq. Chopada
Dist. Jalgaon. ...Respondents

Mr. Girish Nagori, Advocate for applicants.
Mr. A. A. Jagatkar, Addl. Public Prosecutor, for respondent
No.1 / State.
Mr. S. N. Suryawanshi, Advocate for respondent No.2.

**CORAM : T. V. NALAWADE &
SMT.VIBHA KANKANWADI. JJ.**

DATE : 03-09-2018.

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

1. 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. 128 of 2017, registered with Chopada Police Station Dist. Jalgaon, for the offences punishable under Section 498-A, 323, 504, 506 of the Indian Penal Code.

2. Respondent No.2 got married to applicant No.1 on 21-05-2013 at Chopada. Applicant No.1 is the husband of respondent No.2, applicants No.2 and 3 are the parents of applicant No.1, and applicants No.4 to 6 are the sisters of applicant No.1.

3. Respondent No.2 – informant has contended that, at the time of marriage her mother had given household articles and gold ornaments. After marriage she went to Balsad to cohabit with her husband. All the applicants were residing together at Balsad. Her

husband runs physical fitness centre. All of the applicants treated her properly for about four to five days only after marriage. Thereafter, applicants No.2 to 6 started quarreling with informant and her husband. They told her husband that, if he brings anything for informant then it will not be proper, she is a daughter of a beggar and her mother has not given cooler, fridge, sofa set etc. They all told that, when she would go to her mother's place at that time she should bring all those articles as well as a gold ring of ten grams. Informant told them that, her father has expired and her mother is a labour, therefore she cannot not fulfill their demands. At that time all the accused persons started harassing her. After staying for about 20 days at matrimonial house, she came to her parents house. She disclosed the said fact to her mother and maternal uncle. She stayed with her mother for about a month and thereafter returned to her matrimonial home. After her return, again all the accused persons started demanding the articles. They all were harassing her mentally and physically. Her husband was abusing her and assaulting her on trifle matters. She again went back to her mother's place at Chopada and again informed about the harassment to her mother and other relatives. Since she had the intention to cohabit, she gave a phone call to her husband and asked him to take her back. At that time her husband told that, applicants No.2 to 6 have told her that, she should remain with her mother till

their demands are not fulfilled. She was not taken back for cohabitation for about a year. Thereafter again her mother and maternal uncle had made several request to take her back, and therefore she was left with her husband. Again the applicants started harassing her by assaulting her. When she told about the said fact to her mother, her husband had assaulted her in front of her mother. It was told to her mother that, if she takes the informant back then she should not return. Her mother left alone. After her mother's return, the informant was again harassed by the accused persons. The said fact was told by her to her relatives, and therefore, her cousin had taken her back to her mother's place. When she was at Chopada, all the accused persons went there on 16-04-2017 and asked about the articles, gold ring etc. At that time when it was informed that it is not possible to full their demands, all of them had threatened and assaulted informant. Therefore, informant went to Jalgaon Mahila Dakshata Samiti and made attempt to have a compromise but it failed, and therefore she has lodged the report.

4. The applicants have contended that, it is a false and concocted story. It is afterthought allegations with only intention to harass them. Details of the events have not been given and they have been kept as vague as possible. No specific role is attributed to applicants No. 2, 4, 5 and 6. She has also filed an application under

Domestic Violence Act before Judicial Magistrate First Class, Court No.1 at Chopada. Therefore, they have prayed for quashment of the proceeding.

5. Heard learned Advocate Mr. Girish Nagori appearing on behalf of applicants, learned Addl. Public Prosecutor Mr. A. A. Jagatkar and learned Advocate Mr. S. N. Suryawanshi, 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 to 3, he prayed for withdrawal of the application as against them.

6. The application was considered only for the allegations against the married sister-in-law respondent No.4 and the two unmarried daughter-in-laws. No specific role has been attributed against them. 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 applicants No.4 to 6 for themselves 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 applicants No.4 to 6 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.4, 5 and 6 is hereby allowed.
- 2) Relief is granted in terms of prayer clause "A" to the applicants No.4, 5 and 6.
- 3) Application to the extent of applicants No.1 to 3 is hereby disposed of as withdrawn.
- 4) Rule made absolute in the above terms.

(SMT. VIBHA KANKANWADI)
JUDGE

(T. V. NALAWADE)
JUDGE

vjg/-.