

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 961 OF 2019

- 1) Sayyad Rashid S/o. Sayyad Saidu,
Age : 65 years, Occupation : Agri,
Residing at Harsul Savangi,
Jalgaon Road, Aurangabad.
- 1A) Shafik Rashid Sayyad,
Age : 39 years, Occu. Labour,
R/o Mathpati, Near Savangi,
Harsul, Aurangabad.
- 2) Jubedabee W/o. Sayyad Rashid,
Age : 60 years, Occupation-
Household,
Residing at as above.
- 3) Rukhsana W/o. Sayyad Mukhtar,
C/o Sayyad Rashid,
Residing at Harsul Savangi,
Aurangabad.
- 4) Farzana W/o. Shaikh Babu,
Age : 32 years, Occu : Household,
R/o Satala, Satala Chouka,
Tal. & Dist. Aurangabad.
- 5) Rafik S/o Sayyad Rashid,
Age : 38 years, Occu : Agri,
Residing at Harsul Savangi,
Jalgaon Road, Aurangabad.
- 6) Shamshad W/o. Sayyad Rafik,
Age : 35 years, Occu. Household,
Residing at as above.
- 7) Sultana W/o Shaikh Yunus,
Age : 28 years, Occu. Household,
R/o Ganori, Tal. Phulambri,
Dist. Aurangabad.
- 8) Rehana W/o. Yusuf Pathan,
Age : 35 years, Occu. Household,
R/o Mharola, Bidkingaon,
Tal. Paithan, Dist. Aurangabad. ...Applicants

Versus

- 1) The State of Maharashtra
Through Mukundwadi Police Station,
District Aurangabad.
- 2) Raisa W/o Shafik Sayyad,
Age : 31 years, Occu. Housewife,
R/o Varegaon,
Tal. Phulambri, Dist. Aurangabad. ...Respondents

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Mr. Sk. Mobin H., Advocate for Applicants

Mr. R.D.Sanap, A.P.P. for Respondent No. 1-State

Mr. Akshay P. Kulkarni, Advocate for Respondent
No. 2.

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CORAM : T. V. NALAWADE &
R. G. AVACHAT, JJ
DATE : 11-10-2019.

JUDGMENT : (Per R.G.Avachat, J.)

Rule. Rule made returnable forthwith. Heard finally with the consent of learned Counsel for the parties.

02. The applicants, who are accused in Regular Criminal Case No. 17/2019 instituted for offence punishable under Sections 498(A), 323, 504, 506 and 34 of

the Indian Penal Code seek quashing of the said Criminal Case.

03. Heard learned Counsel for the parties. Perused the Police papers.

04. After hearing the learned Counsel for the applicants for some time, he seeks permission to withdraw the application so far as the applicant No. 1, 1A and 2 (husband and his parents) are concerned. Permission granted. The application of applicant Nos. 1, 1A and 2 (husband and his parents) is disposed of as withdrawn.

05. The first information report (F.I.R.) has been lodged on 9.11.2018. Informant married the applicant No. 1 in June 2008. After marriage, she started residing at her matrimonial home. Her father paid sum of Rs.10,000/- as a dowry besides articles of day to day use. The informant is blessed with two daughters and a son. Applicant Nos. 3, 4, 8 and 9 are the sister-in-laws. Applicant No. 5 is the brother-in-law. Applicant No. 6 is wife of applicant No. 5.

06. It is alleged in the F.I.R. that the informant

was treated well for first one and half year of marriage. Thereafter, the applicants started ill-treating her with a view to coerce her to bring Rs. 1,00,000/- from her parents for purchase of motor bike. The applicants allegedly abused, beat up and made the informant to starve with a view which would make her leave matrimonial home. The informant continued to bear with the ill-treatment with a hope of good days. Ill treatment, however, continued. The parents of the informant and her relations made efforts to reconcile with the applicants, but, they did not listen. The applicants drove the informant out of her matrimonial home on 24.8.2018. Her children, however, remained with the applicants. The applicants also asked her to bring Rs.1,00,000/-. If she returns with no money, she would be killed. Since then the informant has been staying at her parents' house at Phulambri. She lodged a report with women's cell, office of Police Superintendent, Aurangabad, on 9.11.2018. The efforts for mediation failed. The F.I.R., therefore, came to be lodged on 21.12.2018.

07. The learned Counsel for the applicants would submit that the allegations in the F.I.R. are general and vague in nature. No details of alleged ill-treatment have

been given. If the applicants, who are sisters and brother-in-law of the informant, are made to stand trial, based on the general and vague allegations in the F.I.R., it would be an abuse of process of Court. The learned Counsel, therefore, urged for allowing the application.

08. The learned A.P.P. would, on the other hand, submit that the applicants have been named in the F.I.R. He submits that there is sufficient material to proceed against the applicants.

09. The allegations in the F.I.R. so far as against the applicants Nos. 3 to 8 are concerned are general and vague in nature. The informant stayed at her matrimonial home for little over 10 years. Omnibus and general allegations have been leveled stating the applicants to have harassed and ill-treated her so as to coerce her to bring Rs. 1,00,000/- from her parents for purchase of motor bike. No details about the allegations have been given as to when and in what way the informant was subjected to ill-treatment. If the applicant Nos. 3 to 8 are made to stand trial on the basis of such allegations, it would be nothing but an abuse of process of Court. We are, therefore, inclined to allow the application so far

as applicant Nos. 3 to 8 are concerned. Hence, following Order;

O R D E R

(i) The application of applicant Nos. 1, 1A and 2 (husband and his parents) is disposed of as withdrawn.

(ii) The application of applicant Nos. 3 to 8 is allowed.

(iii) Relief is granted to applicant Nos. 3 to 8 in terms of prayer clause (a).

(iv) Rule is made absolute in above terms.

[R.G.AVACHAT]

JUDGE

[T.V.NALAWADE]

JUDGE

Dahibhate/-