

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

CRIMINAL APPLICATION NO. 1825 OF 2019

1. Syed Ejaz s/o Syed Yaqoob,
Age: 31 years, Occ. Mazdoor,
R/o. Khutbe Nagar, Chourasta,
Nanded.
2. Khairunbee w/o Syed Yaqoob,
Age: 48 years, Occ. Household,
R/o. Khutbe Nagar, Chourasta,
Nanded.
3. Syed Yaqoob s/o Syed Moosa,
Age: 61 years, Occ. Nil,
R/o. Hamidiya Colony,
Malangbaba, Itwara, Nanded.
4. Sana Begum d/o Syed Yaqoob,
Age: 19 years, Occ. Household,
R/o. Hamidiya Colony,
Malangbaba, Itwara, Nanded.
5. Nafeesa Begum w/o Mohd. Imran,
Age: 26 years, Occ. Household,
R/o. Near Khuba Masjid,
Quba Colony, Ardhapur, Tq. Ardhapur,
Dist. Nanded.
6. Aneesa Begum w/o Mahboob Khan,
Age: 34 years, Occ. Household,
R/o. Bagwan Pura, Tq. Washim,
Dist. Washim.
7. Nazema Begum w/o Syed Javed,
Age: 35 years, Occ. Household,
R/o. Bagwan Pura, Washim.

8. Mahboob Khan s/o Faqir Khan,
Age: 43 years, Occ. Business,
R/o. Old Bakra Mutton market,
Bagwan Pura, Washim, Tq. Washim.
9. Afreen Begum w/o Zakir Hussain,
Age: 25 years, Occ. Household,
R/o. Iqbal Nagar, Nanded.
10. Naheed Anjum w/o Shaikh Ateeq,
Age: 22 years, Occ. Household,
R/o. Basmat, Taluka Basmath,
Dist. Hingoli.

... Applicants

Versus

1. The State of Maharashtra,
Through Incharge Police Station,
Gramin (Urban) Cidco, Nanded.
2. Samreen Begum w/o Syed Ejaz Ahmed,
Age: 27 years, Occ. Household,
R/o. C/o. Shaikh Ziyaoddin Tailor,
Abrar Function Hall, Near Auto Stop,
Waghi Road, Tekda, Nanded.

... Respondents

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Mrs. A.N. Ansari, Advocate for the Applicants.
Mr. R.D. Sanap, A.P.P. for Respondent no.1-State.
Mr. V.S. Kadam, Advocate for Respondent No.2.

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CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.
DATE : 12.12.2019

JUDGMENT :- (Per: *M.G. SEWLIKAR, J.*)

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

2. This application is filed under Section 482 of Cr.PC. for quashing the F.I.R. No. 160 of 2019 registered with Police Station Gramin, Cidco, Nanded, Tq. & Dist. Nanded dated 02.04.2019 for the offences punishable under Sections 498-A, 312, 323, 504 and 506 of the I.P.C. and quashing and setting aside the charge-sheet in Crime No. 160 of 2019 registered with Police Station Gramin, Cidco, Nanded.

3. Facts leading to this application are that the applicant No.1 is the son of applicant Nos.2 and 3 and applicant Nos.4 to 10 are the sisters of the applicant No.1. Respondent No.2 is the wife of the applicant No.1. Their marriage was solemnized on 15.01.2017 at Khutbe Nagar, Chourasta, Nanded. All the applicants were living together at the time of marriage. After the marriage, all the applicants started ill-treating the respondent No.2. Applicant No.1 used to doubt the chastity of the respondent No.2. Applicant No.1 used to say that she should claim her share in her father's property to the extent of Rupees Ten Lakhs and used to beat her for the non-fulfillment of the same. On 27.05.2017, applicant Nos.1, 2 and 5 beat the respondent No.2 on her abdomen and back for the non-fulfillment of the demand of Rupees Ten Lakhs owing to which her pregnancy of two and half months was terminated. Applicant Nos.4 to 10 used to instigate the applicant Nos.1 to 3 for bringing Rupees Ten Lakhs from the parents of respondent No.2. On these allegations

the F.I.R. was lodged in the police station under the aforesaid sections.

4. During the pendency of this application the charge-sheet was filed. Amendment to that effect was allowed to be carried out.

5. Heard Smt. Ansari the learned counsel for the applicants, Shri V.S. Kadam the learned counsel for the respondent No.2 and Shri R.D. Sanap the learned A.P.P for the respondent-state. Learned counsel Smt. Ansari sought to withdraw the application to the extent of applicant Nos.1 to 3.

6. So far as the other applicants are concerned the allegations are general in nature. Specific allegations are made against applicant Nos.1 to 3 only. Applicant No.5-Nafeesa Begum is not residing at the place of applicant Nos.1 to 3. Applicant Nos.1 to 3 are the residents of Khutbe Nagar, Chourasta, Nanded, whereas applicant No.5-Nafeesa Begum is a resident of Quba Colony, Ardhapur, Dist. Nanded. Applicant No.6-Aneesa Parvin is a resident of Bagwanpura, Washim, Tq. & Dist. Washim. Applicant No.7-Nazema Begam is a resident of Bagwanpura, Washim, Tq. & Dist. Washim. Applicant No.8-Mehboob Khan is a resident of Bagwanpura, Washim, Tq. & Dist. Washim. Applicant Nos.5 to 8 have produced their Aadhar cards and on the basis of these Aadhar cards these addresses are taken. This clearly shows that the applicant Nos. 5 to 8 are not the residents of Nanded. Despite this they have

been involved in this offence. As indicated earlier, no specific allegations are made against applicant Nos.4 to 10. Continuance of prosecution against them would amount to abuse of process of law. Even if the allegations are taken at their face value, no offence can be said to be made out against any of the applicant nos.4 to 10. Therefore, we are inclined to quash the F.I.R. and the charge-sheet to the extent of applicant Nos.4 to 10. In view of this following order is passed:

ORDER

- i) Application to the extent of applicant Nos.1 to 3 is disposed of as withdrawn.
- ii) Application to the extent of applicant Nos.4 to 10 is allowed.
- iii) Relief is granted in terms of prayer clause 'B' and 'B1'.
- iv) Amendment be carried out immediately to add prayer clause 'B1' for relief of quashing of case itself.
- v) Rule made absolute in the above terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]