

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

CRIMINAL APPLICATION NO. 2807 OF 2018

1. Begambee w/o Razak Shaikh,
Age: 80 years, Occ. Household,
R/o. Gummad Base, Degloor,
Tq. Degloor, Dist. Nanded.
 2. Naseem Begum w/o Azimoddin Ansari,
Age: 40 years, Occ. Household,
R/o: Panchakki Galli, Chaurabad Road,
Udgir, Tq. Udgir, Dist. Latur.
- ... **Applicants**

Versus

1. The State of Maharashtra,
Through Police Station,
Degloor, Dist. Nanded.
 2. Fatima Alamara w/o Nisar Shaikh,
Age: 32 years, Occ. Household,
R/o Momin Galli, Degloor,
Tq. Degloor, Dist. Nanded.
- ... **Respondents**

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Mr. H.I. Pathan, Advocate for the Applicants.
Mr. S.J. Salgare, A.P.P. for Respondent no.1-State.
Mr. S.A. Nagarsoge, Advocate for Respondent No.2.

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**CORAM : T.V. NALAWADE &
MANGESH S. PATIL, JJ.**
DATE : 04.04.2019

JUDGMENT :- (Per: Mangesh S. Patil, J.)

Heard. Rule. The Rule is made returnable forthwith. Learned
A.P.P. waives service for the respondent-state and learned advocate Mr. S.A.

Nagarsoge waives service for the respondent no.2. With the consent of both the sides the matter is heard finally at the stage of admission.

2. The applicants are seeking quashment of the Crime No. 220 of 2018 registered with Degloor Police Station, District Nanded for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the I.P.C. as well as charge-sheet.

3. The respondent no.2 set the criminal law in motion by filing the F.I.R. on 15.06.2018 against her husband and the present applicants who are her mother in law and married sister in law alleging that after her marriage in the year 2014 when she started co-habiting with the husband and the applicants she was maintained properly for a year. She beget a son. Her husband then insisted for financial help for purchasing a house. Therefore her sister and brothers contributed and paid an amount of Rupees Four Lakh Ninety Five Thousand to him. However, he continued to demand money from her sister. Since the sister retired from the employment in the year 2017 and refused to give any additional financial help, he started assaulting respondent no.2 by casting aspersions on her fidelity. When she approached a doctor for consultation he started alleging that she was having illicit relations with the doctor and started defaming her in the community. She alleged that the applicants instigated her husband saying that she was coming from an affluent

family therefore if the boy is taken ill he should send her back to her parental home. Fed-up with such persistent ill-treatment she lodged the F.I.R. and the crime was registered which ultimately culminated in filing of the charge-sheet.

4. We have heard the learned advocate for the applicants and the learned A.P.P. as well as the learned advocate for the respondent no.2.

5. After hearing the arguments when this Court expressed its disinclination to grant any relief to the applicant no.1, who is the mother in law of the respondent no.2, her learned advocate, on instructions, seeks leave to withdraw the application to her extent.

6. So far as the applicant no.2 is concerned, she is the married sister in law of the respondent no.2 residing at Udgir whereas the matrimonial home of the respondent no.2 is at Degloor. Besides, except an omnibus and vague reference to the applicant no.2 there is absolutely no specific and precise overtact attributed to her in either demanding money or subjecting respondent no.2 to cruelty. Accepting the allegations in the F.I.R. at their face value necessary ingredients for constituting the offences punishable under Section 498-A, 323, 504 and 506 cannot be discerned.

7. For that matter, even the statements of the witness Kaneez Fatima who is the sister of the respondent no.2 is equally vague and omnibus while

attributing role to the applicant no.2. Same is the case of with rest of the witnesses whose statements have been recorded under Section 161 of the Cr.P.C. Considering such quality of material collected during the course of investigation, in our considered view, the case of the applicant no.2 squarely falls in category nos.1, 3 and 7 of the **State of Haryana and Ors. V/s. Bhajan Lal and Ors.; AIR 1992 SUPREME COURT 604.**

8. Application to the extent of application no.2 is allowed and the rule is made absolute to her extent in terms of prayer clause-B and B-1.

9. The application to the extent of applicant no.1 is disposed of as withdrawn and the rule is discharged to her extent.

[MANGESH S. PATIL, J.]

[T.V. NALAWADE, J.]