

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 3322 OF 2019**

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|   | <b>Applicants</b>                                                                                                                                                 |
| 1 | Imran Younus Shaikh, Age 32 Yrs,<br>Occ. Private Service, R/o. Survey<br>No.260, Plot No.2, Post Lohgaon<br>Warad, Near Jim, Kalwadi Wasti,<br>Lohgaon Road, pune |
| 2 | Shakeelabi Yunus Shaikh, Age 55<br>Years, Occ. Pensioner, R/o as<br>above                                                                                         |
| 3 | Nilofar Talat Maniyar, Age 38<br>Yrs, Occ. Service, R/o Gali No.2,<br>Chintamaninagar, Hadapsar, Pune<br>411 028                                                  |
| 4 | Talat Akbar Maniyar, Age 42<br>years, Occ. Private Service, R/o.<br>As above                                                                                      |
| 5 | Hasina Azim Maniyar, Age 35 Yrs,<br>Occ. Service International High<br>School Administration Department,<br>Pune                                                  |
| 6 | Azim Gaffar Maniyar, Age 40<br>Years, Occ. Delivery boy Uber<br>Company, Pune                                                                                     |

**V E R S U S**

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|---|-------------------------------------------------------------------------------------------------------------------------------|
|   | <b>Respondents</b>                                                                                                            |
| 1 | The State of Maharashtra                                                                                                      |
| 2 | Tahseen Imran Shaikh, Age 22<br>Years, Occ. Nil, C/o Nisar Younus<br>Shiklikar, Chinchondi, Taluka and<br>District Ahmednagar |

Smt. A.N. Ansari, Advocate for the Applicants  
Smt. D.S. Jape, A.P.P. for the Respondent/State  
Mr. P.B. Kadam, Advocate for Respondent No.2

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**CORAM : T.V. NALAWADE AND  
M.G. SEWLIKAR, JJ.**

**DATE : 10<sup>th</sup> December, 2019**

**ORAL JUDGMENT [PER: M.G. SEWLIKAR, J.] :**

Rule. Rule is made returnable forthwith.  
With consent of learned counsel for both the sides,  
heard finally.

2. This is an application filed under Section 482 of the Code of Criminal Procedure preferred by the applicants for quashing of First Information Report No.I-209 of 2019, registered with Ahmednagar Police Station, filed by respondent No.2-Tahsin Imran Shaikh for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. The facts giving rise to this petition are that the informant/respondent No.2 got married with the applicant No.1 on 30<sup>th</sup> December, 2016. Respondent No.2 was a student of 3<sup>rd</sup> year of Nursery Course and after marriage she pursued her studies and completed the Nursery Course. Applicant No.2 is the mother of

applicant No.1. Applicant Nos.3 and 5 are the sisters of applicant No.1 and applicant Nos.4 and 6 are the husbands of applicant Nos.3 and 5, respectively.

4. According to respondent No.2, she started residing with applicants after performance of marriage. Thereafter, she was subjected to ill-treatment by the applicants alleging that she is good for nothing. They demanded Rs.5,00,000/- to be brought from the parents of respondent No.2 on the ground that construction of upper floor of the house is to be done and she was subjected to beating on non-fulfillment of the said demand. On 29<sup>th</sup> September, 2017, she was driven out of the house by the applicants after having beaten her for non-fulfillment of their demand of Rs.5,00,000/-. Thereafter, she filed the First Information Report on 2<sup>nd</sup> May, 2019 against the applicants under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

5. Heard Smt. Ansari, learned counsel for the applicants and Smt. D.S. Jape, learned A.P.P. for respondent/State.

6. Smt. Ansari, learned counsel for the applicants sought to withdraw the application in respect of applicant Nos.1 and 2. Accordingly, application stands disposed of as withdrawn in respect

of applicant Nos.1 and 2.

7. During the pendency of this application, charge-sheet was filed against the applicants. Accordingly, the applicants were permitted to carry out the amendment in that respect.

8. Learned counsel Smt. Ansari submitted that the petitioner Nos.3 and 5 are the sisters of applicant No.1/husband. They are not even remotely with the alleged illtreatment meted out to the complainant. Applicant Nos.4 and 6 are their husbands. The allegations against them are general in nature, they are not residing at matrimonial place of respondent No.2 and applicant No.1.

9. Learned A.P.P. for the respondent/State submitted that the allegations against the applicants are specific, and hence, application be dismissed.

10. The applicants have produced on record Ration-Card of applicant Nos.3 and 4. It shows that the applicant Nos.3 and 4 are staying at Hadapsar, Pune. Applicant No.5 is serving at International School at Pune. The allegations against these applicants are general in nature and even if they are accepted at their face value, no offence will be made out against the applicants. They are not the residents

of matrimonial place of respondent No.2. In view of this, we are inclined to allow the application of applicant Nos.3 to 6. In view of this, the following order is passed :

**O R D E R**

- [1] The application of applicant Nos.1 and 2 is disposed of as withdrawn.
- [2] The application of applicant Nos.3 to 6 is allowed.
- [3] Permission is granted to amend the proceeding and add the relief of quashing of case itself. Amendment to be carried out immediately.
- [4] Relief is granted to applicant Nos.3 to 6 in terms of prayer clauses "B" and "B-1".
- [5] Rule is made absolute in those terms.

( M.G. SEWLIKAR, J. )

( T.V. NALAWADE, J. )