

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

**CRIMINAL APPLICATION NO.3057 OF 2018**

1. Mirza Asif Baig s/o Mirza  
Rahim Baig, Age 25 years,  
Occu. Education,  
R/o House No.2-6-83  
Khadakpura, Nanded,  
Tq. and Dist. Nanded
2. Mirza Rahim Baig s/o Usman Baig,  
Age 58 years, Occu. Tailor,  
R/o House No.2-6-83,  
Khadakpura, Nanded,  
Tq. and Dist. Nanded
3. Karimabee w/o Mirza Rahim Baig,  
Age 50 years, Occu. Household  
R/o House No.2-6-83,  
Khadakpura, Nanded,  
Tq. and Dist. Nanded
4. Tabassum Baig w/o Shaikh Akhtar  
Age 36 years, Occu. Household,  
R/o Mangalwarapeth,  
Maniyar Galli, Basmat, Tq. Baskat,  
District Hingoli.
5. Bushra Begum w/o Shaker,  
Age 24 years, Occu. Household,  
R/o 174, Chobdar Mohalla, Tamsa,  
Tq. Hadgaon, District Nanded
6. Sumaiyya Anjum w/o Shaikh Anis,  
Age 29 years, Occu. Household,  
R/o Mirza Galli, Basmat,  
Tq. Basmat, District Hingoli
7. Ayesha Tazim w/o Syed Hafiz,  
Age 31 years, Occu. Household,  
R/o House No.2-11-90,  
Dilipsingh Colony, Gowardhan Ghat,  
Vazirabad, Nanded,  
Tq. and District Nanded.

**...APPLICANTS**

**VERSUS**

1. The State of Maharashtra  
through Police Station,  
Jinsi, Aurangabad  
(Copy to be served on P.P.,  
High Court of Bombay,  
Bench at Aurangabad
2. Sadiya Firdous w/o Mirza Asif Baig,  
Age 23 years, Occu. Household,  
R/o C/o Sayed Maheboob Ali,  
Maqsood Colony, In front of :  
Bilquis Masjid, Roshan Gate,  
Aurangabad

**...RESPONDENTS**

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Shri H.I. Pathan, Advocate for applicants  
Shri S.Y. Mahajan, A.P.P. for State  
Shri M.K. Deshpande, Advocate for respondent No.2  
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**CORAM: S.S. SHINDE AND  
R.G. AVACHAT, JJ.**

Date of reserving judgment : 7th March, 2019  
Date of pronouncing judgment : 8th March, 2019

**JUDGMENT (PER : R.G. AVACHAT, J.):**

1. Rule. Rule made returnable forthwith and taken up for final hearing with the consent of learned counsel appearing for the parties.

2. This is an application under Section 482 of the Criminal Procedure Code for quashment of the F.I.R. in Crime No.188/2018, dated 21.8.2018, registered with Police Station,

Jinsi, Aurangabad for offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the Charge Sheet filed pursuant thereto before the learned 11<sup>th</sup> Judicial Magistrate, First Class, Aurangabad.

3. The application was initially filed by the husband and parents-in-law (applicants No.1 to 3) and sisters-in-law of the respondent No.2. The applicants No.1 to 3, however, withdrew from the application.

4. The respondent No.2 (first informant) married the applicant No.1 on 23.8.2017 according to Muslim rites. After marriage, she started residing with her husband and parents-in-law at Nanded. It is the case of the first informant that, for initial some days, she had been treated well by her in-laws. The ill-treatment, however, thereafter started. The applicants No.1 to 3 abused her in filthy language on 2.10.2017 on account of her failure to bring money from her father. The allegations in the F.I.R. are to the effect that on 5.3.2018, the husband (original applicant No.1) and parents-in-law (applicants No.2 and 3), besides the sister-in-law Ayesha abused and assaulted her since the first informant expressed them her inability to fetch money from her father. It has further been alleged that, all the applicants time and again harassed and ill-treated the first

informant so as to coerce her to meet their monetary demand. On 5.3.2018, the first informant came to her parent's home for delivery. The husband and parents-in-law asked her not to return to the matrimonial home unless she delivered a baby boy. Since the harassment became unbearable, the first informant lodged the report with the Police Station.

5. Mr. H.I. Pathan, the learned counsel for the applicants would submit that, false and frivolous allegations have been made in the F.I.R. The married sisters-in-law, who have been happily residing at their respective matrimonial homes, have also been roped in. According to learned counsel, if the investigation pursuant to the impugned F.I.R. is allowed to be continued, it would be an abuse of process of Court. The learned counsel, therefore, urged for allowing the application.

6. Mr. M.K. Deshpande, learned counsel for the first informant, on the other hand, submitted that, at this stage, the allegations in the F.I.R. have only to be looked into to find whether the alleged offence is made out. According to learned counsel, the averments in the F.I.R. undoubtedly make out the case for proceeding with the investigation against the applicants. The learned counsel ultimately urged for rejection of the application.

7. We have considered the submissions advanced by the learned counsel for the respective parties. We have also carefully perused the F.I.R. The allegations in the F.I.R. undoubtedly make out a case against applicants No.1 to 3. These applicants, therefore, rightly withdrew from the application.

So far as regards applicants No.4 to 6 are concerned, the allegations against them in the F.I.R. are general in nature. They have been alleged to have had instigated the applicants No.1 to 3 to harass and ill-treat the first informant whenever they used to come to their parental home. No specific incident has been quoted against them.

So far as regards applicant No.7 Ayesha is concerned, she is alleged to have abused the first informant on 5.3.2018. The details of the incident have not been given. The said incident is stated to be dated 5.3.2018. On the same day, the husband and parents-in-law allegedly asked the first informant to return to matrimonial home only if she delivers baby boy. As such, the allegations against applicant No.7 Ayesha are also general in nature. Allowing the proceedings to continue against her would also amount to abuse of process of law.

8. In the result, the Criminal Application succeeds.

Criminal Application is allowed. The F.I.R. in Crime No.188/2018, dated 21.8.2018, registered with Police Station, Jinsi, Aurangabad for offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the Charge Sheet filed pursuant thereto before the learned 11<sup>th</sup> Judicial Magistrate, First Class, Aurangabad are hereby quashed in so far as regards applicants No.4 to 7 are concerned. Rule is made absolute in above terms.

**R.G. AVACHAT**  
**JUDGE**

**S.S. SHINDE**  
**JUDGE**

fmp/