

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

Criminal Application No.3765 of 2018

- 1) Salim s/o. Saied Shaikh,
Age 26 years,
Occupation : Business.
- 2) Saied s/o Hamid Shaikh,
Age 53 years,
Occupation: Business.
- 3) Wahida w/o Saied Shaikh,
Age 46 years,
Occupation: Business.
- 4) Rehan s/o. Saied Shaikh,
Age 25 years,
Occupation: Business.
- 5) Asama w/o. Abed Qureshi,
Age 29 years,
Occupation: Household.
- 6) Abed s/o. Salim Qureshi,
Age 37 years,
Occupation: Business.

All residents of 101-D,
Chandresh Manur,
Lodha Complex, Naya Nagar,
Mira Road (East),
District Thane.

- 7) Sufiya w/o. Altamash Khan,
Age 22 years,
Occupation: Household.
- 8) Altamash s/o. Asif Khan,
Age 27 years,
Occupation: Business.

Both R/o Shalimar Building,
Counsel Bagh, in front of
Masjid, Kondhava, Pune.

- 9) Shaikh Abdul Haque s/o Abdul
Rashid, Age 41 years,
Occupation: Business.
- 10) Shaikh Ayesha w/o. Abdul Haque,
Age 36 years, Occupation: Business.
Both R/o Kavijang Nagar,
in front of Alamdina Masjid,
Gulmohar Road, Behind
Abedin Bungalow, Ahmednagar,
Taluka & Dist Ahmednagar.

.. Applicants.

Versus

- 1) The State of Maharashtra,
Through Investigating Officer
Paranda Police Station,
Taluka Paranda,
District Osmanabad.
- 2) Aamrin w/o Salim Shaikh
Age 23 years, Occu: Household
R/o 101-D, Chandresh Manur,
Lodha Complex, Naya Nagar,
Mira Road (East), Dist Thane.
At present C/o Shaikh Shakil
Mahiyoddin Ashrafun Banat
Madras, Near Abdul Rajjak Masjid
Darga Daira Road, Mukund Nagar,
Ahmednagar.

.. Respondents.

Shri. N.B. Narwade, Advocate, for applicants.

Smt. V.N. Patil-Jadhav, Additional Public Prosecutor, for
respondent No.1.

Shri. H.I. Pathan, Advocate, for respondent No.2.

**Coram: T.V. NALAWADE &
K.K. SONAWANE, JJ.**

Date: 2nd AUGUST 2019

JUDGMENT (Per T.V. Nalawade, J.):

1) Rule. Rule made returnable forthwith. By consent heard both sides for final disposal.

2) The proceeding is filed for relief of quashing of the proceeding of Regular Criminal Case No.46/2019 pending in the court of the learned Judicial Magistrate, First Class, Paranda, District Osmanabad which is filed for offences punishable under sections 498-A, 323, 506, 34 of Indian Penal Code. The case is filed by police in Crime No. 0237/2018 (191/2018) registered with Paranda Police Station. The report is given by respondent No.2, Smt. Aamrin, wife of applicant No.1.

3) The marriage between applicant No.1 and the informant took place on 15-11-2015 as per Muslim rites. Wife of applicant No.1 alleges that after 4 to 8 days of the marriage ill-treatment was started by the husband as he

wanted amount of Rs. Two lakh from her parents. Allegations are made that as the demand was not met with she was driven out of the matrimonial house on 3-5-2016. It is her contention that relatives of the husband had also harassed her to force that demand. Applicant Nos.2 and 3 are parents of applicant No.1. Applicant No.4 is a brother of applicant No.1. Applicant Nos.5 and 7 are sisters of the husband. Applicant Nos.6 and 8 are brothers-in-law of the husband. Applicant Nos.9 and 10 are uncle and aunt of the husband. It is contended that applicant No.1 works as per the desire of other applicants.

4) It is the contention of the wife that she had suffered abortion but the husband had not taken care of her health and she was required to take help of her uncle. She has made allegations against other applicants that they were supporting the husband.

5) The submissions made show that one sister of the husband is living separate in Pune. The husband, his parents and his brother are residents of Mira Road (East), District Thane. It is not the case of the wife that other

respondents are living with parents of the husband. Their places of residence mentioned are also different.

6) The allegations as against the sisters and other relatives of the husband are very vague. As the sisters are married and they must be living in their matrimonial houses and as other relatives are not the close relatives of the husband and they are living separate, this Court holds that relief needs to be given to applicant Nos.5 to 10. When this Court expressed that the Court is not inclined to grant relief in favour of applicant Nos.1 to 4, learned counsel for the applicants, on instructions, submits that he wants to withdraw the application of applicant Nos.1 to 4. In the result, following order :-

7) The application of applicant Nos.1 to 4 is disposed of as withdrawn. The application of applicant Nos.5 to 10 is allowed. Relief is granted to them in terms of prayer clause (B-1). Rule made absolute in those terms.

Sd/-
(K.K. SONAWANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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