

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1898 OF 2018

1. Sheikh Abdul Qayyum Sheikh Ayyub
age 65 years, occ. Business
r/o Mujeeb Colony, Roshan Gate
Tq & Dist. Aurangabad.
2. Sajida Begum Sheikh Abdul Qayyum
age 58 years, occ. Household
r/o as above.
3. Sheikh Irfan Sheikh Abdul Qayyum
age 35 years, occ. Business
r/o as above.
4. Sumayya Begum Sheikh Irfan
age 30 years, occ. Household
r/o as above.
5. Sheikh bdullah Sheikh Abdul Qayyum
age 25 years, occ. Business
r/o as above.
6. Ayisha Sheikh Musa
age 30 years, occ. Household
r/o village Varadia, Dist. Bhuj
Gujrat State.
7. Sumayya Sheikh Abdul Qayyum
age 23 years, occ. Household
r/o as above.

Applicants

Versus

1. The State of Maharashtra
Through the Police Sub Inspector
Police Station, Jinsi
Tq. & Dist. Aurangabad.

2. Noor Saba w/o Sheikh Abdul Rehman
age 25 years, occ. Housewife
r/o c/o Abdul hayee near M.S.A
Chicken shop, infront of Anas Masjid
Kiradpura Roshan Gate,
Dist. Aurangabad.

Respondents

Shri S.N. Deshmukh, Advocate for the applicants.
Shri S.N. Sangle, APP for respondent No. 1.

**CORAM : T.V. Nalawade &
M.G. Sewlikar, JJ.**

DATE : 6th February, 2020.

JUDGMENT : (PER M.G. SEWLIKAR, J.)

1. Rule. Rule made returnable forthwith.
2. By consent, heard both sides for final disposal.
3. The applicants have approached this Court for quashing of the First Information Report.
4. According to the First Information Report, respondent No. 2 married Sheikh Abdul Rehman s/o Abdul Qayyum on 14.06.2015. Applicants No. 1 and 2 are the father in law and mother in law respectively of respondent No. 2. Applicant No. 3 is the elder

brother in law of respondent No. 2. Applicant No. 4 is the wife of applicant No. 3. Applicant No. 5 is the brother in law, applicant No. 6 is the unmarried sister in law and applicant No. 7 is also unmarried sister in law of respondent No. 2.

5. After some days of marriage, applicants No. 2 and 3 alongwith her husband started demanding Rs. 5,00,000/- to be brought from her parents for developing plot at Harsool. When she expressed her inability to bring the amount from her parents, she was subjected to ill-treatment. When her husband had gone to Saudi Arabia for job, applicants No. 1 to 7 started demanding amount of Rs. 5,00,000/- and on failure to meet the said demand, she was subjected to ill-treatment. They used to beat her, keep her starved and used to call her as beggar. Therefore she came to her parent's place in the month of July 2016. After six months, there was a meeting between the applicants and respondent No. 2 and her father. Because of compromise in that meeting, respondent No. 2 went to live with applicants No. 1 to 7. After four days, her husband told her that he would be going back to Saudi Arabia. When she protested and asked him to take her along, he refused to do so, abused her and beat her. She was again subjected to ill-treatment by the applicants.

Thereafter she filed complaint on 02.02.2018 on the basis of which, offence under Sections 498-A, 504, 506 r/w Section 34 of the Indian Penal Code has been registered against the applicants.

6. Learned counsel for applicants sought permission to withdraw the applicant to the extent of applicants No. 1 and 2 as we were not inclined to grant relief to them.

7. So far as other applicants are concerned, allegations made against them are general in nature. No specific act is attributed to any of them. It is vaguely stated that she was subjected to ill-treatment on account of her failure to bring money from her parents. It cannot be accepted that all the applicants i.e. applicants No. 3 to 6 made demand of Rs. 5,00,000/- in one voice. Having regard to these allegations, it cannot be said that any cognizable offence is made out against them. The case is therefore squarely covered by the principle laid down in the case of **State of Haryana and others Vs. Ch. Bajan Lal and others** reported in **AIR 1992 Supreme Court 604**. The uncontroverted allegations in the First Information Report do not even remotely indicate that any cognizable offence is made out against the applicants. In view of this,

application will have to be allowed to the extent of applicants No. 3 to

7. Hence the following order :-

ORDER

1. Application to the extent of applicants no. 1 and 2 is disposed of as withdrawn.
2. Application to the extent of applicants no. 3 to 7 is allowed.
3. Relief is granted in terms of prayer clause 'D' and 'D-A' in favour of applicants No. 3 to 7.
4. Rule made absolute in aforesaid terms.

(M. G. SEWLIKAR)
Judge

(T.V. NALAWADE)
Judge

dyb