

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 2303 OF 2019

- 1) Farha w/o Zahed Kazi,
Age; 33 years, Occ;
Household,
R/o; Near Boon English
School,
Khorli Galli, Ayesha Colony,
Latur, Tq. & Dist. Latur.
- 2) Nasrin w/o Irshad Kazi,
Age; 58 years, Occ;
Household,
R/o; As above.
- 3) Irshad Isaquoddin Kazi,
Age; 69 years, Occ;
Pensioner,
R/o; As above.
- 4) Zahed Irshad Kazi,
Age; 41 years, Occ; Private
Service,
R/o; As above.
- 5) Sanobar w/o Shams Tabrez
Patel,
Age; 32 years, Occ;
Household,
R/o; 407, Bhavani Peth,
Maratha Vasti, Solapur.
- 6) Shams Tabrez Laik Ali Patel,
Age; 35 years, Occ; Medical
Practitioner,
R/o; 407, Bhavani Peth,
Maratha Vasti, Solapur.

7) Wajid Abdul Majid Kazi,
Age; 56 years, Occ; Service,
R/o; Flat No. 205, Silver
Star,
Apartment, Plot No. 312,
Survey No. 73, Handewadi
Road,
Hadapsar, Pune.

8) Mustakim Gulam Gaus Sayyaed,
Age; 32 years, Occ; Private
Service,
R/o; 701, 7th Floor, M-4/B
Wing, Chaitainya Cooperative
Housing Society, Sion
Transit Camp Road,
Pratiksha Nagar, Sion,
Mumbai -22.

9) Busharabano w/o Mustakim
Sayyad,
Age; 29 years, Occ;
Household,
R/o; As above.

...Applicants

V E R S U S

1) The State of Maharashtra,
Through; Police Inspector,
Police Station, Patoda,
Tq. Patoda, Dist. Beed.

2) Sahabhat w/o Ubed Kazi,
Age; 24 years, Occ;
Household,
C/o; Sayyad Ilias Sayyad
Hamid,
R/o; Muslim Mohalla, Patoda,
Tq. Patoda, Dist. Beed

...Respondents

2. Facts leading to this application are that the informant Sahabhat/respondent No. 2 herein married Mohammad Ubed Abdul Bashid Kazi on 6.1.2019, according to Muslim rites. Applicant No. 1 is the married sister of

husband of respondent No. 2 Sahabhat. Applicant No. 2 is the mother-in-law of applicant No. 1. Applicant No. 3 is the father-in-law of applicant No. 2 and they reside at Latur. Applicant No. 5 is the married sister of husband of respondent No. 2, applicant No. 6 is the husband of applicant No. 5 and both of them reside at Solapur. Applicant No. 7 is the uncle of husband of respondent No. 2. Applicant No. 8 is the husband of sister-in-law of respondent No. 2, whereas, applicant No. 9, is the sister of husband of respondent No. 2.

3. It is alleged by the informant that soon after marriage the husband's parents started ill-treating respondent No. 2, saying that she should bring Rs. Ten Lac, to enable them to purchase a Plot and on that count she was subjected to beating. She was also abused in filthy language. She called her relative, Sayyed Sajjid Hamid and her grand-father,

Sayyed Hamid Sayyed Maheboob and they also tried to convince the applicants and husband's parents to treat the respondent No. 2 well but, the applicants did not budge but kept on demanding amount of Rs. Ten Lacs. Lastly, she was beaten on her failure to bring amount of Rs. Ten Lacs and driven out of the house, on 10.3.2019.

4. It is further alleged that on 10.3.2019, her husband and her husband's parents had been to her house on 10.3.2019, at 2.00 p.m. They demanded Rs. Ten Lacs to be brought from her parents and subjected her to physical and mental ill-treatment. Thereafter, she lodged complaint against accused persons in Police Station, Patoda, on the basis of which, offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the I.P.C. has been registered.

5. Heard, Mr. A.N.Nagargoje, learned

counsel for the Applicants, Mrs. D.S. Jape, learned A.P.P. for the Respondent No. 1/State and Mr. N.L.Jadhav, learned counsel for Respondent No. 2.

6. On perusal of F.I.R., it is noticed that the allegations made against the applicants are vague in nature. No specific act is attributed against any of the applicants. It is vaguely mentioned that all the applicants subjected her to ill-treatment on account of failure to bring Rs. Ten Lacs from her parents. Moreover, the record produced by the applicants i.e. Adhar Cards and Ration Cards show that applicant Nos. 1, 2, 3 and 4 reside at Latur, applicant Nos. 5 and 6 reside at Solapur and applicant Nos. 7, 8 and 9 are reside at Pune. The husband of respondent No. 2 is the resident of Patoda, District; Beed.

7. No offence can be said to be made out on the basis of these vague allegations. It is

well settled that if unconvtoverted allegations do not disclose commission of cognizable offence, there is no justification in proceeding against the applicants. In this view of the matter, it is deemed fit to quash the F.I.R. against all the applicants. In this view of the matter, application is allowed, in terms of prayer clause 'A'.

8. Rule is made absolute, in those terms.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)

mahajansb/