

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

CRIMINAL APPLICATION NO. 3110 OF 2019

- 1) Shaikh Furkhan Faruk,
Age; 28 years, Occ; Carpenter
helper,
R/o; H. No. 1-5-40/8,
C/o; Abdul Basid Khan,
Armoor, Dist; Nizamabad
(T.S.)
- 2) Sultana Begum w/o Faruk
Shaikh,
Age; 67 years, Occ;
Household,
R/o; Qureshi Galli, Indira
Nagar, Waki Nadi Road,
Ahmedpur, Tq. Ahmedpur, Dist;
Latur.
- 3) Shaikh Faruk Ibrahim,
Age; 70 years, Occ; Business,
R/o; Qureshi Galli, Indira
Nagar, Waki Nadi Road,
Ahmedpur, Tq. Ahmedpur, Dist;
Latur.
- 4) Arshiya Begum d/o Faruk
Shaikh,
Age; 22 years, Occ; Household,
R/o; Qureshi Galli, Indira
Nagar, Waki Nadi Road,
Ahmedpur, Tq. Ahmedpur, Dist;
Latur.
- 5) Shaikh Anis Faruk,
Age; 31 years, Occ; Labour,
R/o; Halki,

Tq. Shiruranantpal, Dist;
Latur.

- 6) Shaikh Illiyas Faruk,
Age; 26 years, Occ; Plumber,
R/o; Qureshi Galli, Indira
Nagar, Waki Nadi Road,
Ahmedpur, Tq. Ahmedpur, Dist;
Latur.
- 7) Shaikh Irfan Faruk,
Age; 25 years, Occ;
Education,
R/o; Qureshi Galli, Indira
Nagar, Waki Nadi Road,
Ahmedpur, Tq. Ahmedpur, Dist;
Latur.
- 8) Khawja Moinoddin Shaikh
Ahmed,
Age; 49 years, Occ; Teacher,
R/o; H. No. 81/4, Near
Mohammadiya Masjid, Wajegaon,
Nanded, Tq. & Dist; Nanded.
- 9) Ayesha Begum w/o Abdul
Sattar,
Age; 38 years, Occ;
Household,
R/o; H. No. 1-83, Parkit,
Nizamabad, Tq. & Dist;
Nizamabad (T.S.)

...Applicants

V E R S U S

- 1) The State of Maharashtra,
Through Police Station,
Nanalpeth, Parbhani, Dist;
Parbhani.
- 2) Huma Begum w/o Shaikh
Furkhan,
Age; 26 years, Occ; Household,

R/o; Armoor, Dist. Nizamabad
(T.S.), at present C/o; Zarin
Khan, Mochi Galli, Vazirabad,
Parbhani, Tq. & Dist.
Parbhani.

..Respondents

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Mr. H.I. Pathan, Advocate for the Applicants
Mr. R.D.Sanap, A.P.P. for the Respt. No.
1/State
Mr. Akshay Kulkarni, Advocate for Respondent
No. 2 (appointed)
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**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**

DATE : 8th JANUARY, 2020

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

This is an application filed under
Section 482 of the Code of Criminal Procedure
(For short 'Cr.P.C.'), for quashing of the First
Information Report (In short "F.I.R."), in
Crime No. 252 of 2019, registered at Police
Station, Nanalpeth, Parbhani, Dist. Parbhani,
for the offences punishable under Sections
498-A, r/w Section 34 of the Indian Penal Code
(In short 'I.P.C.')

2. Facts giving rise to this application are as under :

Respondent No. 2/Informant married applicant No. 1 on 8.12.2016. She had a miscarriage on 5.6.2017. Since then the applicants started illtreating her, alleging that she is a bad cook. Applicant No. 2 is her mother-in-law. Iliyas and applicant No. 7 Irfan used to instigate to applicant Nos. 1 and 2. Applicant No. 9 used to ill-treat her calling her infertile. They used to say that she should bring Rs. 50,000/- for laying of roof and she was confined in a room. Applicant No. 5 used to call her mother and make demand of money. Her mother-in-law and sister-in-law used to ask her not to come to matrimonial place as her husband (applicant No. 1) is good for nothing. Therefore, she filed this report.

3. Applicant No. 2 is her mother-in-law. Applicant No. 3 is her father-in-law.

Applicant Nos. 4 is her sister-in-law (Daughter of applicant No. 3). Applicant No. 5 and 7 are brothers of applicant No. 1. Applicant No. 8 is the husband of her sister-in-law and applicant No. 9 is the sister-in-law.

4. During the arguments, learned counsel for applicants sought permission to withdraw application to the extent of applicant Nos. 1 to 3 and 5 and 7. He was permitted to do so.

5. Heard, Mr.H.I. Pathan, learned counsel for the Applicants, Mr. R.D.Sanap, learned A.P.P. for respondent No. 1/State and Mr. Akshay Kulkarni, learned counsel for respondent No. 2 (appointed).

6. So far as, applicant No.4 is concerned, she is the daughter of applicant No.3. Applicant Nos. 8 and 9 are not residents of village of applicant Nos. 1 to 3. Applicant Nos. 1 to 3 are residents of Ahmedpur, Dist;

Latur, whereas, applicant Nos. 8 and 9 are residents of Nanded and Arnur Dist; Nizamabad respectively. In this view of the matter, it is evident that applicant Nos. 8 and 9 are far away from the place of residence of applicant Nos. 1 to 3. Allegations against applicant Nos. 4, 8 and 9 are not specific, but are vague and general in nature. From these allegations, it is seen that no specific act is attributed to any of the applicant Nos. 4, 8 and 9. Omnibus allegations are made against applicant Nos. 4, 8 and 9. Having regard to these allegations, it cannot be said that the commission of any cognizable offence is made out against applicant Nos. 4, 8 and 9. In view of this, continuation of the prosecution against them would be an abuse of process of the Court. Hence following order is passed :

ORDER.

- 1 The Application to the extent of applicant Nos. 1 to 3, 5 and 7 is disposed of as withdrawn.
- 2 The application to the extent of

applicant Nos. 4, 8 and 9 is allowed in terms of prayer clauses (B) and (B-1).

3 Rule is made absolute, in those terms.

4 An amount of Rs.3,000/- (Rs. Three Thousand) be paid by the Legal Services Sub Committee, High Court Aurangabad, to Advocate Mr. Akshay Kulkarni, appointed on behalf of Respondent No. 2, in this matter.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)

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