

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

CRIMINAL APPLICATION NO. 3854 OF 2019

1) Shabanabee Burhanoddin Quadri,
Age; Major years, Occ; Household,
R/o; Ita, Bhatti, Garib Nawaz Nagar,
Pili Nadi, Nagapur.

2) Firdos Bano Roshan Qureshi,
Age; 19 years, Occ; Household,

3) Roshan Qureshi Ismail,
Age; 54 years, Occ; Household,

Petitioner Nos. 2 and 3 both
Residents of Kalmana Ring Road,
Nagpur.

4) Shaikh Rahim Qureshi,
Age; 36 years, Occ; Business,

5) Afsanabee Shaikh Rahim,
Age; 32 years, Occ; Household,

Petitioner Nos. 4 and 5
Residents of Bande Nawas Nagar,
Nagpur.

**...APPLICANTS
(Orig. Accused)**

V E R S U S

1) The State of Maharashtra
Through Bazarpet Police Station,
Bhusawal, Dist. Jalgaon.

2) Nagamabee Shaikh Arif Qureshi,
Age; Major, years, Occ; Household,
R/o; Pili Nadi, Hazrat Nizamoddin Colony,
Near Caner Hospital,
In front of Baitul Hamad Masjid, Nagpaur,
At Present Bismilla Pahelwan Building,

**..RESPONDENTS
(Resp. No. 2 is
Original
Complainant)**

Nazarwangi File, Near Amardeep Talikes,
Bhusawal, Tq. Bhusawal, Dist; Jalgaon.

.....
Shri. Shaikh Mohammad Naseer A., Advocate for the Applicants
Smt. K.S.Patil, learned A.P.P.for the Respondent No.1
Shri. S.S. Wagh, Advocate for Respondent No.2
.....

**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**

DATE : 05th MARCH, 2020

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

Rule. Rule made returnable forthwith. With the consent of the parties, heard finally at admission stage.

2. This is an application invoking inherent powers of this Court under Section 482 of the Code of Criminal Procedure, for quashing of the First Information Report, No. 267 of 2019, registered in Police Station, Bazarpeth, Bhusawal, District Jalgaon, for the offences punishable under Sections 498-A, 323, 504 506 read with Section 34 of the Indian Penal Code.

3. Facts giving rise to this application are that the respondent No. 2 married with one Arif Kureshi s/o Ajij Kureshi on 15.1.2018. The applicant No. 1 is the mother-in-law of respondent No. 2, the applicant No. 2 is the daughter of the applicant No. 3, the applicant No. 3 is the brother of the applicant No. 1. The applicant No. 4 is the brother of the

applicant No. 1 and the applicant No. 5 is the wife of the applicant No. 4.

4. It is contended by the Respondent No. 2 that she was maintained well for some days after the marriage. Thereafter, all the applicants started ill-treating and harassing her. They used to wake up her at 4.00 a.m. and would ask her to clean the entire Wada. They used to ask her to prepare breakfast for all the applicants. In case of delay in preparing the breakfast, all the applicants would abuse her. They would keep her starved. They used to ask her to wash the clothes again and again, despite washing them once. Whenever, her parents called her, the applicants would ask her to speak to her parents on speaker mode. All the applicants used to say that she should bring Rs. 5,00,000/- for the business. Her husband used to say that he did not like her. Her husband would keep on talking with the applicant No. 5 for hours together. Her husband treats the applicant No. 5 as his wife. When she noticed this fact, she told it to the applicant No. 1, but the applicant No. 1 told her to ignore it. At the time of festival, her parents had come to see her, but was not allowed to meet them and the applicants also asked parents of the respondent No. 2 to pay Rs. 5,00,000/- as dowry for starting a business. In the month of August, 2018, she was dropped at her maternal place as she had disclosed about the illicit relations between her husband and the applicant No. 5. After three months again she was sent back to the matrimonial place

for co-habitation by her parents. After some days again she was subjected to ill-treatment and was driven out of the house on 17.1.2019. Thereafter, the respondent No. 2 filed this F.I.R.

5. Heard Shri. Shaikh Mohammad Naseer A., the learned counsel for the Applicants, Smt. K.S.Patil, learned A.P.P. for the Respondent No.1 and Shri. S.S. Wagh, the learned counsel for Respondent No.2.

6. Shri Shaikh the learned counsel for the applicants submitted that the applicant Nos. 2 to 5 are living separately from the respondent No. 2 and her husband. He submitted that the allegations against the applicant Nos. 1 to 5 are vague and general in nature and they do not disclose commission of any cognizable offence. He submitted that no specific role is attributed to any of the applicants. According to her, she was driven out of the house on 17.1.2019 and she lodged the FIR as late as on 14.5.2019. Thus, there is delay of four months in lodging the FIR for which no explanation is forthcoming. He therefore, prayed for allowing the application.

7. Shri Patil, the learned APP for the respondent/State and Shri Wagh, the learned counsel for the respondent No. 2 submitted that specific allegations are made against each of the applicants. They submitted that the respondent No. 2 was subjected to ill-treatment for

the non-fulfillment of the unlawful demand of Rs. 5,00,000/- by the applicants for starting the business.

8. On perusal of the FIR, it is seen that specific allegations are made against the applicants Nos. 1 and 5. It is stated in the FIR that her husband has illicit relations with the applicant No. 5. The respondent No. 2 had complained to the applicant No. 1 about the illicit relations between her husband and the applicant No. 5, but the applicant No. 1 ignored it. Therefore, having regard to these allegations, we are not inclined to allow the application to the extent of the applicant Nos. 1 and 5.

9. Shri Shaikh, the learned counsel for the applicants sought permission to withdraw the application to the extent of the applicant Nos. 1 and 5.

10. So far as, the applicant Nos. 2 to 4 are concerned, no specific allegations are made against them. Vague allegations are made against the applicant Nos. 2 to 4. On the basis of these vague and omnibus allegations, it cannot be said that these allegations disclose the commission of any cognizable offence against the applicant Nos. 2 to 4. Therefore, the continuation of the prosecution against the applicant Nos. 2 to 4 would be an abuse of the process of the Court. In view of this, we are inclined to quash the F.I.R. against

the applicant Nos. 2 to 4. Hence the following order is passed :

ORDER

- 1) Application of applicants No. 1 and 5 is disposed of as withdrawn.
- 2) Application of applicants No. 2 to 4 is allowed.
- 3) Relief is granted to applicants No. 2 to 4 in terms of prayer clause 'A'.
- 4) Rule is made absolute In those terms.

(M.G. SEWLIKAR, J.)

(T.V. NALAWADE, J.)