

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

CRIMINAL APPLICATION NO. 441 OF 2021

1. Heena w/o. Majir Shaikh,
Age 34 years, Occu. Household,
2. Majit @ Majid Sardar Shaikh,
Age 38 years, Occu. Advocate,
Both R/o. Bharatnagar, Garkheda
Parisar, Aurangabad,
Taluka and District Aurangabad.
3. Gajala w/o. Javed Shaikh,
Age 32 years, Occu. Household,
4. Javed Mehatab Shaikh,
Age 35 years, Occu. Advocate
Both R/o. Undirgaon, Taluka Shrirampur,
District Ahmednagar.
5. Nadeem Habib Sayyad,
Age 25 years, Occu. Education,
R/o. Karmaveer Nagar, Indirapath,
Kopargaon, Taluka Kopargaon,
District Ahmednagar. .. Applicants

Versus

1. The State of Maharashtra
Through Police Station Shirdi,
Taluka Rahata, District Ahmednagar.
2. Saniya Sahil Sayyad,
Age 25 years, Occu. Household,
R/o. Lalbi Manzil, Ganeshwadi,
Govindnagar, Shirdi, Taluka Rahta,
District Ahmednagar
Mobile 9850380822. .. Respondents
(Respondent no. 2 -
Original complainant)

...

Mr. S. S. Deshmukh, Advocate for applicants
Mr. S. J. Salgare, APP for respondent no.1 – State
Mr. A. D. Sonkawade, Advocate holding for Mr. A. G. Shaikh,
Advocate for respondent no.2

...

**CORAM : SUNIL P. DESHMUKH AND
NITIN B. SURYAWANSHI, JJ.**

DATE : 8th SEPTEMBER, 2021

PER COURT :

At the outset, learned advocate for the applicants states that present application to the extent of applicant No. 5 is not being pressed and seeks permission accordingly. Permission is granted. Application is disposed of to the extent of applicant no. 5.

2. Applicants no. 1 to 4, who are in-laws of respondent no.2 – first informant, seek quashing of First Information Report (FIR) in Crime No. 37 of 2021 registered with Shirdi Police Station, Taluka Rahata, District Ahmednagar, for the offences punishable under Sections 498-A, 323, 504, 506 and 406 read with Section 34 of the Indian Penal Code (IPC).

3. In the FIR, respondent no. 2 has made vague and general allegations against the applicants. The applicants are admittedly residing separately from respondent no. 2 and her husband. Respondent no. 2 used to reside with her husband and other in-laws at Karmaveer Nagar, Indirapath, Kopargaon, District Ahmednagar, whereas, applicants no. 1 and 2 are residing at Aurangabad. The marriage of applicant no. 1 and applicant no. 2 took place in the year 2006 and since then they are residing

at Aurangabad. Applicant no. 3 is sister-in-law married with applicant no. 4 in year 2008 and both of them are residing at Undirgaon, Shrirampur, District Ahmednagar.

4. It appears that vague and general allegations are levelled against applicants No. 1 to 4 only with a view to harass and pressurize the applicants and names have been deliberately implicated in the FIR. The papers of investigation do not reveal any material showing their involvement in the alleged offences.

5. Learned Advocate for the applicants placed reliance on a case – *Preeti Gupta and another Versus State of Jharkhand and another*, reported in (2010) 7 Supreme Court Cases 667, and as such was right in contending that the FIR is filed against the applicants with oblique motive and only with a view to harass them. The observations in *Preeti Gupta's* case are squarely applicable to facts of present case.

6. In view of aforesaid, we, therefore, allow and quash the FIR and further proceedings pursuant to the same to the extent of applicants no. 1 to 4. Criminal application is allowed in terms of prayer clause "A-1" to the extent of applicants no. 1 to 4.

[NITIN B. SURYAWANSHI]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

rrd