

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

946 CRIMINAL APPLICATION NO.1721 OF 2021

**YASDANI BEGUM W/O. SAYYED ALIUDDIN AND ANOTHER
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

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**Advocate for Applicants: Mr. Mohd Sharef Latif
APP for Respondent No.1: Mr.P. V. Diggikar**

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**CORAM: SARANG V. KOTWAL &
BHARAT P. DESHPANDE, JJ.**

DATE: 17th JUNE, 2022

PER COURT:

1. Learned Counsel for the applicants submitted that the applicants cannot be prosecuted for commission of offence under Section 3 and 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019. He submitted that only the husband can be prosecuted for that offence. He relied on the Judgment of this Court, passed in Criminal Application No.3642 of 2019 dated 14.09.2021. He submitted that, therefore, both the applicants cannot be charged with commission of this offence.

2. There is substance in his submissions as held in the said Judgment. However, the Trial Court shall take into consideration this judgment at the time of framing the charge and obviously charge cannot be framed under that Section. However, there are other allegations attracting Sections 504 and 506 read with Section 34 of the IPC. The F.I.R. does mention allegations attracting this provisions. As far as said offence under IPC are concerned, the applicants are at liberty to prefer application for discharge before the Trial Court.

3. With these observations, the application is disposed of.

[BHARAT P. DESHPANDE, J.] [SARANG V. KOTWAL, J.]

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