

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

CRIMINAL APPLICATION NO.3001 OF 2021

- 1) Ekbal Surajpasha Sayyad (Husband),
Age-35 years, Occu:Driver,
Nath Nagar, Latur,
- 2) Shaheen Surajpasha Sayyad
(Mother-in-law),
Age-48 years, Occu:Household,
R/o-Budhoda, Tq-Ausa, Dist-Latur,
- 3) Asif Surajpasha Sayyad
(Brother-in-law),
Age-31 years, Occu:Driver,
R/o-Budhoda, Tq-Ausa, Dist-Latur,
- 4) Najiya Surajpasha Sayyad
(Sister-in-law),
Age-38 years, Occu:Business,
R/o-S.N. Gurudatta Socy. Satara Road,
Near Little Rock School, Dhankawdi,
Pune-411043,
- 5) Anam Taher Ali Sayyad
(Maternal sister-in-law),
Age-41 years, Occu:Household,
R/o-Galli No.20/A, Mohammadwadi Road,
Sayyad Nagar, Hadapsar,
Pune-411028.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Vivekanand Chowk
Police Station, Latur,
Dist-Latur,

- 2) Yasmin Ekbal Sayyad,
Age-30 years, Occu:Household,
R/o-Nath Nagar, Latur,
At present-Pachpir Nagar, Latur.

...RESPONDENTS

...
Mr.R.P. Adgaonkar Advocate for Applicants.
Mr.S.J. Salgare, A.P.P. for Respondent No.1.
Mr.F.K. Patel Advocate for Respondent No.2.
...

**CORAM: SMT. VIBHA KANKANWADI AND
RAJESH S. PATIL, JJ.**

DATE : 7th SEPTEMBER, 2022

ORDER :

1. The applicants, by invoking inherent powers of this Court under Section 482 of the Code of Criminal Procedure, seek quashment of criminal proceedings bearing R.C.C. No.200 of 2021 based on First Information Report (for short "FIR") vide Crime No.550 of 2020 dated 20th December 2020 registered with Vivekanand Chowk Police Station, Latur, District-Latur for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. It will not be out of place to mention here that after hearing the parties when disinclination is shown to grant any

relief to applicant Nos. 1 to 3, learned Advocate for the applicants, on instructions, sought withdrawal of the Application as against applicant Nos.1 to 3. There is no hurdle in accepting the said prayer. The matter, accordingly proceeded for the reliefs claimed by applicant Nos. 4 and 5 only.

3. Heard learned Advocate Mr. Adgaonkar for applicant Nos.4 and 5, learned APP Mr. Salgare, for respondent No.1 and learned Advocate Mr. Patel for respondent No.2.

4. Applicant No.4 is the sister-in-law of respondent No.2 and applicant No.5 is the maternal sister-in-law of respondent No.2. They both are married. Though it is stated in the FIR that they are resident of Nath Nagar, Latur, in the FIR as well as in the entire charge-sheet it is not stated as to what was the reason for the married sisters-in-law to reside with the husband of respondent No.2. Further the words used in the FIR, that these two applicants used to come to Nath Nagar and then harass the informant, would indicate that they were not residing with the husband of respondent No.2. In fact name of applicant No.5 has not been given properly by the informant and she states that she does not know full name of said sister-in-law. If this is the

situation then why applicant No.5 would have thought of torturing or subjecting respondent No.2 to cruelty, is a question.

5. The facts of the case would disclose that respondent No.2 got married with applicant No.1 about 8 years prior to the FIR. As regards applicant No.4 is concerned, she has produced the Adhar Card which states that she is residing at Pune. It is to be noted that respondent No.2 has filed application under Section 12 of the Protection of Women from Domestic Violence Act before the Judicial Magistrate First Class, Latur, in which she has given name of the present applicant No.4, respondent No.4 therein as, Najiya Shafiq Shaikh, whereas in the FIR respondent No.2 gives name of applicant No.4 as, Najiya Surajpasha Sayyad i.e. her maiden name. No doubt the Adhar Card stands in the name of Naziya Surajpasha Sayyad, but that does not mean that she is not married. There appears to be intentional suppression of the said fact by respondent No.2. As regards the allegations against applicant Nos.4 and 5 are concerned, those are vague. Under such circumstance, it will be futile exercise to ask them to face the trial. The Application deserves to be allowed by exercising the inherent powers of this Court under Section 482 of the Code of Criminal Procedure in favour of

applicant Nos. 4 and 5. Time and again the Hon'ble Supreme Court as well as this Court has observed that there is tendency to rope all the relatives of the husband in offence under Section 498-A of the Indian Penal Code and this is also one of that example and therefore the relief is required to be granted to the married sisters-in-law. Hence the following order:-

ORDER

(I) Application is partly allowed.

(II) Application as against applicant No.1 - Ekbal Surajpasha Sayyad, applicant No.2 - Shaheen Surajpasha Sayyad and applicant No.3 - Asif Surajpasha Sayyad stands disposed of as withdrawn.

(IV) Application of applicant No.4 - Najiya Surajpasha Sayyad and applicant No.5 - Anam Taher Ali Sayyed stands allowed.

(IV) Criminal proceedings bearing R.C.C. No.200 of 2021 based on First Information Report vide Crime No.550 of 2020 dated 20th December 2020 registered with Vivekanand Chowk Police Station, Latur, District-Latur for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code stand quashed and set aside as against applicant

No.4 - Najiya Surajpasha Sayyad and applicant No.5 –
Anam Taher Ali Sayyed.

(IV) Application stands disposed of accordingly.

[RAJESH S. PATIL]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/SEP22