

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.1327 OF 2021

- 1) Shakila Bano Rafique Ahmad Khan,  
aged about 63 years, occupation :  
household, r/o Behind Shalimar  
Steel, Mohammad Ali Road, Baidpura,  
Taluq and District Akola.
- 2) Mohammad Yusuf Khan Rafique  
Ahmad Khan, aged about 41 years,  
occupation : service, presently  
residing at : Behind Shalimar Steel,  
Mohammad Ali Road, Baidpura,  
Taluq and District Akola.
- 3) Saima Khan Mohd. Yusuf Khan,  
aged about 32 years, occupation :  
household, r/o Behind Shalimar  
Steel, Mohammad Ali Road,  
Baidpura, Taluq and District Akola.
- 4) Shireen Tabassum Sajid Ahmed Khan,  
aged about 40 years, occupation :  
household, r/o Lala Bangala Compound,  
Baidpura, Taluq and District Akola. ... Applicants

- Versus -

- 1) State of Maharashtra, through  
Police Station, Akot File,  
District Akola.
- 2) Maheen Fatema Tousif Khan,  
aged about 21 years, occupation :  
household, r/o c/o Mumtajkhan  
Mehmoodkhan, Saraf Galli, Akola,  
Taluq and District Akola. ... Non-applicants

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Shri S.S. Sohoni, Advocate for applicants.

Shri A.S. Fulzele, Additional Public Prosecutor for non-applicant no.1.

Shri N.R. Tekade, Advocate for non-applicant no.2.

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CORAM : SUNIL B. SHUKRE AND  
G.A. SANAP, JJ.

DATED : JUNE 15, 2022

ORAL JUDGMENT (PER SUNIL B. SHUKRE, J.) :

Rule. Rule is made returnable forthwith. Heard finally by consent of the learned Counsel for the parties.

2) Shri Sohoni, learned Counsel for the applicants, submits that omnibus allegations have been made against the applicants and, therefore, this is a fit case for quashing of the charge-sheet filed against the applicants.

3) Shri Fulzele, learned Additional Public Prosecutor for the non-applicant no.1, and Shri Tekade, learned Counsel for the non-applicant no.2, do not agree with the submission of the learned Counsel for the applicants. They rely upon the specific allegations made in the first information report filed by the non-applicant no.2. On going through the first information report, we are in agreement with the submission of the learned Counsel for the non-applicant no.2 that the allegations made against the applicants are specific in

nature and they by themselves constitute cruelty against the non-applicant no.2.

4) There is one allegation which, in our opinion, prima facie amounts to cruelty of extreme kind. This allegation is that the applicants used to threaten the non-applicant no.2 that if she delivered any baby girl, the child would not be supported by them and that the applicants insisted that they only wanted a baby boy and no baby girl. Apart from prima facie cruel nature of the statements made by the applicants, the statements also have the prima facie effect of insulting womanhood.

5) For the reasons stated hereinabove, we are not inclined to interfere in the matter. The application stands dismissed. The above observations shall not be taken to be influencing the merits of the matter.

JUDGE

JUDGE

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