

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

CRIMINAL APPLICATION NO.431 OF 2023

Intaj Shaukat Syed

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....
Mr. I.K. Wagh, Advocate holding for
Mr. K.M. More, Advocate for applicant
Mr. P.N. Kutti, A.P.P. for respondent No.1
Mr. J.P. Reddy, Advocate for respondent No.2.
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 4th SEPTEMBER, 2023

ORDER :

Heard. The applicant is alleged to have committed offences punishable under Sections 498-A, 406, 504, 506 read with 34 of the Indian Penal Code. The applicant is Muslim by religion. The respondent No.2 is a Hindu, her husband and husband's relations are also Hindus. The applicant is no way related to the husband of the respondent No.2. The submissions made by learned counsel for the applicant that the applicant has all along been residing as a family member and even the shop of her husband has been named after her, would indicate their closeness.

She meant to say that, the relations are sometime thicker than the blood relations. She may be correct, but in law, Section 498-A could not be invoked against the present applicant since the applicant is no way related to the husband of respondent No.2 – wife. Rest of the offences allegedly committed by the applicant are non-cognizable. In the circumstances, directing the applicant to stand trial would be an abuse of process of Court. We are, therefore, inclined to allow the application.

2. Hence, the application is allowed in terms of prayer clause (B).

3. The fees of learned counsel appointed for respondent No.2 is quantified at Rs.8000/- (Rupees eight thousand) to be paid by Legal Services Authority.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-