

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

CRIMINAL APPLICATION NO.921 OF 2022

1. Sayyad Shaheed Sayyad Husain
(As per Hon'ble Court's order dated 28/03/2022,
application against applicant No.1 dismissed as withdrawn.)
2. Sayyad Hussain Sayyad Abdulla
3. Naseem Begum w/o Sayyad Hussain
4. Sayyad Shakeb Sayyad Hussain
5. Sayyad Shueb Sayyad Hussain
6. Miss Sayyada Afrin d/o Sayyad Hussain
7. Smt. Sadekha w/o Shaikh Salim
8. Smt. Tahsin Begam w/o Sayyed Mohsin... **APPLICANTS**

VERSUS

1. The State of Maharashtra
2. Smt. Nadera Tabassum w/o
Sayyad Shaheed ... **RESPONDENTS**

.....
Mr. H.M. Shaikh, Advocate for applicants
Mr. A.R. Kale, A.P.P. for respondent No.1.
Mr. A.R. Syed, Advocate for respondent No.2.
.....

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

DATE : 18th JULY, 2023

ORDER :

Heard. This application has been moved for
quashment of F.I.R. bearing Crime No.51/2022, registered at Pathri

Police Station, District Parbhani for the offences punishable under Sections 498(A), 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequential proceedings bearing R.C.C. No.157/2022, pending before the learned Judicial Magistrate, First Class, Pathri, District Parbhani. The application of the applicant No.1 Sayyad Shaheed (husband of respondent No.2) has already been dismissed as withdrawn by order dated 28th March 2022).

2. The respondent No.2 - wife married co-accused Sayyad Shaheed in May 2011. While the F.I.R. has been lodged about 11 years after the marriage. It has been alleged in the F.I.R. that, all the in-laws, present applicants and the co-accused Sayyed Shaheed harassed and ill-treated her so as to coerce to her to fetch Rs.10 Lakhs from her father. It has also been alleged that, she was starved. Her A.T.M. Card was taken away by the father-in-law. Her entire salary used to be withdrawn by them. She was not paid any farthing therefrom. Even her character was suspected. The respondent wife, before registration of the F.I.R., made a written complaint dated 16/2/2021 to Women's Grievances Redressal Forum, Pathri Police Station, District Parbhani. The averments therein are somewhat similar to that of the F.I.R.

3. On investigation, charge sheet has been filed.

4. Learned counsel for the respondent wife and the

learned A.P.P. have strong reservations to grant the applicants relief. According to them, there are averments in the F.I.R. and even in the complaint made to the Women's Grievances Redressal Forum. No mini-trial can be conducted here. Prima facie case to proceed against the applicants is made out.

5. The submissions made by learned counsel for the respondents may prime facie appear to be correct. There is, however, another aspect of the matter. The respondent – wife has preferred application under Section 12 of the Protection of Women from Domestic Violence Act. Her evidence has been recorded therein. She has given vital admissions so as to lead us to observe the present crime to have been registered at her behest only afterthought. The admissions given by her are as under :

She secured a job as a Teacher with Zilla Parishad before her husband was appointed. Only for 30 days she stayed at her matrimonial home at Udgir immediately after the marriage. While she was pregnant, she was advised bed rest. She was at her parental home. It was the husband who had provided her medicines in those days. Post delivery, she had never been to her matrimonial home at Udgir. The co-accused husband was in contact with her so as to enquire about well being of the new born child. According to her, on 4/2/2021, she was at Pathri whereas it is averred in the F.I.R. that on that very day she was at Udgir.

6. It is reiterated that, all the aforesaid admissions given by the respondent wife lead us to grant the applicants No.2 to 8 relief in the interest of justice. Hence the order :

ORDER

- (i) The criminal application is partly allowed.
- (ii) The F.I.R. bearing Crime No.51/2022, registered at Pathri Police Station, District Parbhani for the offences punishable under Sections 498(A), 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequential proceedings bearing R.C.C. No.157/2022, pending before the learned Judicial Magistrate, First Class, Pathri, District Parbhani are quashed to the extent of the applicants No.2 to 8.
- (iii) The criminal application stands disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-