

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

CRIMINAL APPLICATION NO. 1271 OF 2023

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| 1. Samrin Begum Shaikh Fayyum | |
| 2. Reshma Shaikh (Syed) Nazir | ..APPLICANTS |
| VERSUS | |
| 1. State of Maharashtra | |
| 2. Shehnaz Syed Sharif | ..RESPONDENTS |

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Mr. A.R. Syed, Advocate for applicants
Mrs. V.N. Patil Jadhav, A.P.P. for respondent no.1 – State
Mr. U.A. Sayyed, Advocate for respondent no.2

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ
DATE : 23rd AUGUST, 2023**

PER COURT :

1. This application, under Section 482 of Code of Criminal Procedure, has been filed for quashment of the First Information Report ('F.I.R.'), being Crime No. 68 of 2023 registered with Kotwali Police Station, Dist. Parbhani for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and consequential charge-sheet, being R.C.C. No.188 of 2023 pending on the file of J.M.F.C., Parbhani.

2. Heard.

3. What can be gathered from the F.I.R. and police papers is that Respondent No.2 – informant (wife) got married with co-accused – Syed Sharif in February 2021. The couple is blessed with a baby girl. The applicants before the Court are the married sisters-in-law of Respondent No.2 – wife. It has been averred in the F.I.R. that the husband, his parents and all other in-laws of Respondent No.2 – wife would harass and ill-treat her so as to coerce her to fetch Rs.50,000/- from her parents for business. Having fed up with the ill-treatment, parents of Respondent No.2 – wife brought her back to their home on 04th November, 2022. Thereafter, co-accused – Sharif contracted second marriage. While father of Respondent No.2 – wife took her to the matrimonial home, her father was insulted and threatened with setting her daughter (Respondent No.2 – wife) on fire. A complaint was, therefore, lodged with Bharosa Cell, Parbhani. Since the matter could not be settled, the F.I.R. came to be lodged. On the same lines are the statements of relations of the informant.

4. Learned A.P.P. and learned counsel for Respondent No.2 would submit that there are allegations in the F.I.R. to make the applicants stand trial. No mini trial can be conducted here. They, therefore, urged for rejection of the application.

5. Close reading of the F.I.R. suggests Respondent No.2 – wife to have grievance against her husband and even at the most against her parents-in-law. The present applicants are her married sisters-in-law. Although residing at Parbhani itself, no overt act has been attributed to anyone of these two. In the circumstances, asking them to stand trial would be an abuse of process of Court.

6. In view of above, criminal application is allowed in terms of prayer clauses [B] and (B-1).

(SANJAY A. DESHMUKH, J.)
SSD

(R.G. AVACHAT, J.)