

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

70 CRIMINAL APPLICATION NO.1443 OF 2022

NAJIR BABULAL SHAIKH AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicants : Mr. S.P. Telgote
APP for the respondent – State : Mr. S.J. Salgare
...

**CORAM : MANGESH S. PATIL &
M. M. SATHAYE, JJ.**

DATE : 13 MARCH 2023

PC :

Heard.

2. By invoking the powers under section 482 of the Code of Criminal Procedure, the applicants are seeking quashment of crime no. 14 of 2021 registered with Camp Police Station, Bhingar, District – Ahmednagar for the offences punishable under section 498A, 323, 504, 506 r/w. 34 of the Indian Penal Code and section 3 and 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

3. We have heard the learned advocate for the applicants as also the learned APP.

4. Obviously, on the basis of the FIR lodged by the complainant, the offence has been registered wherein she *inter alia* states as to how she was subjected to ill-treatment. Pertinently, she

also alleged that her husband was having illicit relations with her maternal aunt. The FIR also reads that on 03-10-2020, all the accused persons including the applicants herein had been to her paternal house and abused and assaulted her declaring that there was no such illicit relations and asking her not to harass the husband.

5. Admittedly, the husband and parents in law are not before us. The applicants happen to be the parental uncle and aunt. Apart from some role attributed to both of them in the incident dated 03-10-2020, specifically mentioned in the FIR, even police papers contain the statements of the witnesses, who reveal that the maternal aunt of the respondent no. 2 had gone missing. Regarding which a missing report was lodged. She along with the husband of the respondent no. 2 were found residing with the applicants in their house. This could not have been without applicants' connivance and in spite of being aware about their illicit relations which *inter alia* was one of the reasons why the respondent no. 2 had been complaining about the ill-treatment.

6. Considering the material available which reveals some role attributable to the applicants, the crime cannot be quashed.

7. The application is rejected.

[M. M. SATHAYE]
JUDGE

arp/

[MANGESH S. PATIL]
JUDGE