

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

72 CRIMINAL WRIT PETITION NO.594 OF 2022

1. Kaji Inayat Ulla Kazi Samiulla
2. Nafisa Kazi Inayat
3. Shaikh Khajamiya Shaikh Chandsab
4. Shahenaz Begum Shaikh Khajamiya ...Petitioners

versus

1. The State of Maharashtra
2. Rehana Begum w/o Shaikh Khaurudin ...Respondents

...
Advocate for Petitioners : Mr. Pawar Anil U
APP for Respondent No.1: Mrs. V.N. Patil-Jadhav
.....

**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 11th SEPTEMBER, 2023.**

PER COURT (SANJAY A. DESHMUKH, J.):

Heard the learned advocates for the respective parties.

2. This petition is filed under Section 482 of the Cr.P.C. for quashment of F.I.R. No. 0021 of 2022 registered with Palam police station, Tq. Palam, district Parbhani for the offences punishable under sections 498-A, 323, 504, 506, 34 of I.P.C. and the consequential proceedings in R.C.C. No. 135 of 2022 pending before the learned J.M.F.C. at Palam, district Parbhani.

3. The informant lodged the F.I.R. contending that she

married on 25.4.2019 with the co-accused Shaikh Khairuddin Shaikh Maheboob and resided with her husband and in-laws. The couple do not have child. Therefore, they were medically examined and the fault was found in her husband. Thereafter, also they used to blame her. They used to tell her that they did not like her. They were also demanding Rs.5,00,000/- for starting new shop and on that count they were treating the informant with cruelty. A notice was also sent to her for giving divorce/Talaq. Thereafter, the husband of informant performed second marriage on 7.10.2021. The informant lodged the report on 31.1.2022.

4. The learned advocate for the petitioners pointed out that the petitioners are residents of Wajegaon, Nanded, District Nanded and the informant is resident of Palam, district Parbhani. The petitioners are maternal uncle and aunt of the husband of the informant. Their role is not specified in the F.I.R. They are falsely implicated in the crime. He lastly prayed for quashing the report and the consequential proceedings in question.

5. The learned A.P.P. for the State has strongly opposed the writ petition and pointed out that on 7.12.2021, the husband of the informant has performed second marriage with a daughter of petitioner No.2. It is lastly prayed to dismiss the writ petition. The learned advocate for respondent No.2 informant is absent.

6. Perused the charge sheet. The report does not show the role of the petitioners as to how they ill-treated the informant with cruelty. The allegations of demand are made against the husband and in-laws of the informant. There is no material against the petitioners herein. Thus, on such vague, baseless and omnibus allegations, asking the petitioners to face trial would be an abuse of process of Court. The report and the consequential proceedings in question deserve to be quashed. In the circumstances, the writ petition deserves to be allowed.

7. In view of the above, writ petition is allowed in terms of prayer clause "B" and "B1". No costs.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

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