

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

CRIMINAL APPLICATION NO.1770 OF 2022

Shaikh Mohammed Abdul Jabbar s/o
Shaikh Mohammad Abdul Sattar
and others

... **APPLICANTS**

VERSUS

The State of Maharashtra
and another

... **RESPONDENTS**

.....
Mr. Rohit P. Patwardhan, Advocate holding for
Mr. Satej S. Jadhav, Advocate for applicants
Mr. P.N. Kulkarni, A.P.P. for respondent No.1.
Mr. Y.D. Kale, Advocate for respondent No.2.
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 23rd AUGUST, 2023

ORDER :

Learned counsel for the applicants, on instructions, seeks leave to withdraw the application of applicant No.1 Shaikh Mohammed Abdul Jabbar s/o Shaikh Mohammad Abdul Sattar. The application of applicant No.1 thus stands disposed of as withdrawn.

2. This application has been filed for quashment of F.I.R. bearing No.397/2021, registered at Badnapur Police Station,

District Jalna and the consequential Charge Sheet obearing No.253/2021, dated 25/12/2021 for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, 1961 and R.C.C. No.12/2022 pending before the learned Jt. Civil Judge, Junior Division and Judicial Magistrate, First Class, Badnapur, District Jalna.

3. What can be gathered from the F.I.R. and the police papers is that, the respondent No.2 wife married co-accused Shaikh Mohammed Abdul Jabbar (applicant No.1) in June 2014. The couple was blessed with two children. It is informed that, one of the child has now passed away. The respondent No.2 wife was treated well for initial period of 3 – 4 months of the marriage. Thereafter all the applicants and the co-accused started harassing and ill-treating her so as to coerce her to fetch Rs.5 Lakhs from her parents for opening of a hotel. She was even driven out of the matrimonial home. Her parents brought her back. That time, the demand of Rs.5 Lakhs was enhanced to Rs.10 Lakhs. The respondent No.2 wife's character was also suspected. She was ill-treated over the same reason also.

4. Statements of the relations of the respondent No.2 wife are consistent with the allegations in the F.I.R. Learned counsel for the respondent No.2 wife and learned A.P.P. would submit that, the

F.I.R. is replete with allegations of ill-treatment at the hands of each and every applicant before this Court. According to them, therefore, it is not a fit case to grant the relief as prayed for. According to them, the parents-in-law of the respondent No.2 wife were equally responsible for the harassment and ill-treatment.

5. We have perused the F.I.R. and the related papers. The marriage dates back to June 2014. The respondent No.2 wife either left or driven out of the matrimonial home first in the year 2019. Three sisters-in-law and their respective husbands have been roped in. Close reading of the F.I.R. would indicate the allegations of harassment and ill-treatment in connection with unlawful demand of money, is general, vague and omnibus. Although the incident dated 10/5/2019 has been highlighted, no particular applicant has been attributed with any overt act. There is general allegation that all of them made demand of Rs.10 Lakhs to allow the respondent No.2 wife to resume the matrimonial tie.

6. The application of respondent No.1 husband has been withdrawn since we were not inclined to grant him relief.

So far rest of the applicants No.2 to 10 are concerned, it is a case of general, vague and omnibus allegations made two years after the respondent No.2 wife left or driven out of the

matrimonial home. In this factual backdrop, directing the applicants No.2 to 10 to stand trial would be an abuse of process of Court. Hence, the Criminal Application is allowed in terms of prayer clause (C) to the extent of applicants No.2 to 10.

7. The Criminal Application stands disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-