

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

CRIMINAL APPLICATION NO. 1948 OF 2022

Sahera alias Sayarabaanu Isak Mujawar
and Others

..APPLICANTS

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. A.M. Reddy, Advocate for applicants

Mr. R.B. Bagul, A.P.P. for respondent no.1 – State

Mr. A.V. Rakh, Advocate h/f Mr. N.D. Kendre, Advocate for respondent no.2

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CORAM : R.G. AVACHAT AND

SANJAY A. DESHMUKH, JJ

DATE : 19th JUNE, 2023

PER COURT :

1. This application has been filed for quashment of First Information Report ('F.I.R.'), being Crime No. 253 of 2022 registered with M.I.D.C. Police Station, Dist. Latur for the offences punishable under Section 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and consequential charge-sheet filed in R.C.C. No. 824 of 2022 pending on the file of Judicial Magistrate First Class, Latur.

2. Application has already been disposed of as withdrawn so far Applicant Nos. 1 to 3 are concerned. Therefore, Applicant Nos. 4 and 5, sister-in-law and husband of sister-in-law of the informant are before this Court.

3. Learned A.P.P. opposed to grant relief to the applicants.
4. Close reading of the F.I.R. would indicate that it is a case of the informant that from first day of the marriage, husband and all the in-laws, including the applicants, ill-treated her for one or the other reason and specifically to compel her to fetch Rs.5 lakhs from her parents for opening a medicine shop. Whereas the record indicates Applicant No.4 – sister-in-law of the informant married Applicant No.5 ten years before marriage of the informant and both of them have been residing in the State of Karnataka. The F.I.R. and the statements of witnesses are silent to state as to how and on what specific date the applicants had been to the matrimonial home of the informant's and ill-treated her. Since Applicant Nos.4 and 5 have been residing in Karnataka State for over last ten years i.e. since before the marriage of informant, and the allegations made against them are general and vague in nature, allowing the prosecution to proceed against them would be an abuse of process of the Court.
5. In view of above, criminal application is allowed in terms of prayer clause (a-i) so far as regards Applicant Nos. 4 and 5 only.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

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