

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

CRIMINAL APPLICATION NO. 1922 OF 2021

Arshiya Begum Khurram Ali and Others

..APPLICANTS

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mrs. Fatema Kazi, Advocate h/f Mr. S.S. Kazi, Advocate for applicants
Mr. A.R. Kale, A.P.P. for respondent no.1 – State
Mr. S.R. Zambre, 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.156 of 2021 registered with City Police Station, Dist. Beed for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code ('I.P.C.') and consequent charge-sheet filed in R.C.C. No. 566 of 2022 pending on the file of Chief Judicial Magistrate, Beed.

2. The applicants herein are the distant relations of the informant. The husband and his parents are not before the Court. We have perused the F.I.R. dated 04th August, 2021. It is the case of the informant that on 01st June, 2021 the applicants accompanied the informant's husband and his parents to her residence at Shahenshah Nagar, Beed. All of them asked the

informant's mother to pay Rs.10 lakhs for opening a medicine shop, if the informant wanted to resume cohabitation. If the demand was not met, she would not be cohabited. It has further been alleged that the husband slapped on the face of the informant and while the informant's mother intervened to rescue her, the husband and the present applicants manhandled the informant's mother.

3. Learned A.P.P. opposed to grant relief to the applicants.

4. Although the allegations against the husband are specific, the same are general as against the present applicants, except Applicant No.2, who is alleged to have fallen the informant and pulled her hair. The said incident took place when the COVID pandemic was at its peak and there were restrictions regarding the movements. Since no statement of an independent witness is there, possibility of a false version to have been given in the F.I.R. to implicate present applicants in the alleged incident could not be ruled out. In such circumstances, allowing the prosecution to proceed against the present applicants would be an abuse of process of the Court.

5. In view of above, application is allowed in terms of prayer clauses (B) and (B/1).

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

SSD