

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO.2721 OF 2022

1. Shabbir Mohammed Bagwan.
2. Babibe Mohammed Bagwan.
3. Mohammed Fakira Bagwan.
4. Shehnazbi Tanvir Bagwan. **... Applicants**

Versus

1. The State of Maharashtra.
2. Shaikh Uzma Jabeen Salman Bagwan. **... Respondents**

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Mr. Azizoddin R. Syed, Advocate for Applicants.

Mr. M. M. Nerlikar, APP for Respondent No.1 / State.

Mr. Angad L. Kanade, Advocate for Respondent No.2.

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**CORAM : R. G. AVACHAT and
SANJAY A. DESHMUKH, JJ.**

DATE : 17th August, 2023.

ORDER: (Per Sanjay A. Deshmukh, J.)

1 Heard the learned advocates for the respective parties.

2 This is an application under Section 482 of the Code of Criminal Procedure, 1973 for quashment of FIR No.102 of 2022 dated 14th June, 2022, registered with Sillod City Police Station, District Aurangabad, for the offences punishable under Sections 498-A, 323,

504 and 506 read with 34 of the Indian Penal Code, 1860 and the consequential charge-sheet in Regular Criminal Case No.275 of 2022, pending before the learned Judicial Magistrate First Class, Sillod, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860.

3 The informant alleged that she was ill-treated by her husband, parents-in-law and the present applicants. She alleged that her husband was having illicit relations with another woman. He used to demand Rs.10,00,000/- for grocery business. He used to beat her and keep her on starvation as she failed to bring that amount from her parents. She was expelled from the house and threatened that if she does not bring Rs.10,00,000/- from her parents, she shall not enter in the house. Earlier there was compromise between the parties and the informant went for cohabitation. Again, she was treated with cruelty. Therefore, she lodged the report to the Women's Grievance Redressal Cell, Sillod. But there was no compromise and therefore, she lodged the report.

4 The learned counsel for the applicants argued that applicant Nos.1 and 2 are grand maternal in-laws of the informant. Applicant No.3 is maternal grandfather-in-law. Applicant No.4 is sister of mother-in-law of the informant. The husband and the parents-in-

laws of the informant are not party to this application. No role is attributed to the applicants. They are falsely implicated in the crime. He lastly prayed to allow the application by quashing the FIR and the consequential charge-sheet.

5 The learned APP for the State and the learned counsel for informant strongly opposed the application. The names of the applicants are mentioned in the report. They contended that there is strong evidence against the applicants as they demanded Rs.10,00,000/-. They lastly prayed to dismiss the application.

6 Perused the charge-sheet. It appears that the allegations are general in nature against these applicants. No role is attributed to the present applicants. Since the present applicants are distant relatives, it cannot be *prima-facie* accepted that they made demand of money to the informant. They are falsely implicated in the crime. There is no material to proceed against the applicants. Thus, asking the applicants to face trial would be an abuse of process of Court. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. FIR No.102 of 2022 dated 14th June, 2022, registered

with Sillod City Police Station, District Aurangabad, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 and the consequential charge-sheet in Regular Criminal Case No.275 of 2022, pending before the learned Judicial Magistrate First Class, Sillod, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 stand quashed and set aside.

III. No costs.

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]

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