

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

CRIMINAL APPLICATION NO.3019 OF 2022

1. Shakil Usman Shaikh
 2. Sabera Shakil Shaikh
 3. Rashid Usman Shaikh
 4. Asma Rahim Shaikh
- ... APPLICANTS**

VERSUS

1. The State of Maharashtra
 2. Farhin Juber Shaikh
- ... RESPONDENTS**

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Mr. A.B. Chormal, Advocate for applicants
Ms. K.R. Jamdade, A.P.P. for respondent No.1.
Mr. M.A. Dond, Advocate for respondent No.2.
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 29th NOVEMBER, 2023

ORAL ORDER (PER SANJAY A. DESHMUKH, J.) :

Heard. This is an application for quashing the F.I.R. bearing Crime No.0322/2022, registered with Ahmednagar Police Station for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequential charge sheet and criminal proceedings bearing R.C.C. No.1648/2022, pending before the learned Judicial Magistrate, First Class, Ahmednagar.

2. The informant averred in the report that, she married with the co-accused Juber on 1/11/2020 and she begotten a son on 20/9/2021. Thereafter the applicants and other co-accused started harassing her by demanding Rs.5 Lakhs for starting a new shop. They also threatened and kept her on starvation. Thereafter the informant lodged the complaint to the Bharosa Cell on 9/6/2022, but the matter was not compromised. Therefore she lodged the report.

3. Learned counsel for the applicants submitted that, after the notice was issued by the husband of the respondent No.2 – informant, the report was lodged. The allegations are vague. The cruelty, as contemplated under Section 498-A of the Indian Penal Code is not made out. All the allegations are omnibus. He prayed for allowing the application and quashing the report and the charge sheet as well as the criminal proceedings.

4. The learned A.P.P. for the State strongly opposed the application. Learned counsel for the respondent No.2 also strongly opposed the application. he submitted that, the applicant No.4 – sister in law of the informant is also residing under the one and same roof in the same town and her name is mentioned in the report. There is prima facie evidence against the applicants. He prayed to reject the application.

5. Perused the charge sheet. The report does not show the names of the applicants. Their specific role is not made out in the report as to when exactly and in which manner they treated the informant with cruelty. The allegations made against these applicants are vague and omnibus. The report is lodged after issuance of notice by the husband of the respondent no.2 – informant. Thus, the report is lodged afterthought and it does not prima facie establish cruelty as contemplated under Section 498-A of the Indian Penal Code. In these facts and circumstances, the applicants cannot be compelled to face the trial. It would be an abuse of the process of Court. Therefore, the application is allowed in terms of prayer clause (B).

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-