

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

981 CRIMINAL APPLICATION NO.2659 OF 2021

1. Ayesha Shahrukh Shaikh
2. Najma Maksud Shaikh

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
and another

..RESPONDENTS

...
Advocate for Applicants : Mr.Shaikh Kayyum Najir
APP for Respondent/State : Mrs.V.N. Patil Jadhav
Advocate for Respondent No.2 : Mr.Murge Estling S.

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 5th SEPTEMBER, 2023.**

ORDER (Per Sanjay A. Deshmukh) :-

1. This is an application for quahsment of the FIR bearing Crime No.0216 of 2021 registered with Pachod Police Station, Tq. Paithan, Dist. Aurangabad for the offence punishable under sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code and the consequential charge-sheet filed in R.C.C. No.292 of 2021 pending before the Judicial Magistrate, First Class, Paithan.

2. Informant averred in the report that her marriage was performed with the brother of the applicants on 24th March, 2019. Her

husband and in-laws were demanding Rs.6,00,000/- from her parents for purchasing J.C.B. machine and motorcycle. They were abusing and beating her. They used to threaten her. The applicants were saying the informant that they do not like informant. They also threaten that they will perform another marriage of the husband of the informant. Therefore, she lodged a report after 8 months when she left the matrimonial home.

3. The learned advocate for the applicants argued that there are no specific allegations of demand and causing cruelty to the applicants as contemplated under section 498-A of the Indian Penal Code. The applicants are falsely implicated in the crime. He also submitted that the informant has been resumed cohabitation with her husband and they are happily residing under one room. He prayed for quashing the report and R.C.C. No.292/2021.

4. The learned APP strongly objected the application. The learned advocate for respondent no.2 also strongly objected the application by contending that the names of the applicants are mentioned with their roles in the FIR that they threatened the informant that they will perform another marriage of husband of informant. They have also contended that the applicants have also abused the informant and said that they do not like her.

5. Perused the charge-sheet. Though there are allegations against the applicants, these are not specific as to when they have caused cruelty to the informant. The main allegations of demand of Rs.6,00,000/- for purchasing the motorcycle or J.C.B. are against the husband and in-laws of the informant. The applicants are residing with their husbands at Aurangabad, and therefore, the allegations are not natural and probable against them. Considering these factual aspects, compelling the applicants to face the trial would be an abuse of process of the Court. The application therefore deserves to be allowed. Hence the application is allowed in terms of prayer clause "B".

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/