

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

**CRIMINAL APPLICATION NO. 3618 OF 2022**

1. Junaid Ali Khan Mehboob Ali Khan
2. Mehboob Ali Khan Abdul Hamid Khan
3. Rubina Afroz Mehboob Ali Khan
4. Fatima Firdos Khan Shahed Ahmad Khan
5. Shahed Ahmed Khan Abdul Rauf Khan ..APPLICANTS

**VERSUS**

1. State of Maharashtra
2. Shaikh Arfiya Samreen Junaid Ali Khan ..RESPONDENTS

....

Mr. A.D. Hande, Advocate for applicants

Mr. N.T. Bhagat, A.P.P. for respondent no.1 – State

Ms. P.P. Wangikar, Advocate h/f Mr. R.V. Gore, Advocate for respondent no.2

....

**CORAM : R.G. AVACHAT AND  
SANJAY A. DESHMUKH, JJ  
DATE : 01<sup>st</sup> AUGUST, 2023**

**PER COURT :**

1. This application, under Article 482 of the Constitution of India, has been filed for quashment of the First Information Report ('F.I.R.'), being Crime No. 37 of 2022 registered with Sadar Bazar Police Station, Dist. Jalna for the offences punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code and consequential charge-sheet, bearing R.C.C. No. 345 of 2022 pending on the file of C.J.M., Jalna.

2. Heard.

3. What can be gathered from the police papers is that Respondent No.2 – wife married co-accused Junaid in September 2017. On marriage, she started residing at her matrimonial home at Nanded alongwith all the applicants (in-laws) and the co-accused – Junaid. For a period of one month of marriage she was treated well. The applicants and the husband thereafter started harassing and ill-treating her so as to coerce her to fetch Rs.5 lakhs from her parents for opening a business. Ill-treatment continued as it is. The father of Respondent No.2 – wife paid a sum of Rs.30,000/- to the father-in-law. For some days she was, therefore, treated well. Treatment as before resumed. Co-accused – Junaid was unemployed. A meeting of elderly persons from both the sides was held. It was decided that Respondent No.2 – wife alongwith her husband and son should reside at Aurangabad. Accordingly, they started residing at Aurangabad. Respondent No.2 – wife secured a job as a teacher with one English medium school. The husband too got a job. For some days they stayed at Aurangabad. The husband, however ill-treated her there as well. He then took her back to Nanded under some pretext and then asked her not to leave for Aurangabad. She continued to stay at her matrimonial house bearing all such ill-treatment. She informed to her father, who came and took her away but not before she was relieved of her gold ornaments. On the same lines are the statements of relations of Respondent No.2 – wife.

4. Close reading of the F.I.R. would suggest that main allegations are against the husband, who is not before the Court. In the year 2019, Respondent No.2 – wife along with her husband and son started residing away from the applicants. She ultimately left the matrimonial home in March 2020. The F.I.R. has been lodged in January 2022. No specific incident of harassment or ill-treatment has been attributed against any of the applicants, either in the F.I.R. or in the statements of her relations. As such, it is a case of vague, general and omnibus allegations. Directing the applicants to stand trial would be an abuse of process of Court.

5. In view of above, criminal application is allowed in terms of prayer clauses [B] and (B-1).

( SANJAY A. DESHMUKH, J. )  
SSD

( R.G. AVACHAT, J. )