

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

CRIMINAL APPLICATION NO.3445 OF 2019

1. Shaikh Afreen Shaikh Atik
 2. Shaikh Yasmin Shaikh Feroz
 3. Shaikh Amreen Shaikh Fazil
 4. Shaikh Nazmeen Shaikh Mukheed
 5. Shaikh Afroz Shaikh Afsar
 6. Shaikh Salma Shaikh Afroz
 7. Shaikh Azhar Shaikh Afsar
 8. Shaikh Samreen Shaikh Latif
 9. Shaikh Mukheed Shaikh Latif ... **APPLICANTS**
- VERSUS**
1. The State of Maharashtra
 2. Ishrat Begam Shaikh Ahmed ... **RESPONDENTS**

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Mr. Shaikh Wajed Ahmed, Advocate for applicants
Mr. M.M. Nerlikar, A.P.P. for respondent No.1.
Mr. P.P. Mandlik, Advocate for respondent No.2.
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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 26th JULY, 2023

ORDER :

This application has been filed for quashment of the F.I.R. bearing Crime No.389/2019, registered with Jintur Police Station, District Parbhani for the offences punishable under Sections 498-A, 494, 324, 323, 504, 506 read with Section 34 of the

Indian Penal Code and Section 4 of the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 and the consequential Charge Sheet No.48/2020, filed before the learned Judicial Magistrate, First Class, Jintur.

2. What can be gathered from the F.I.R. and the police papers is that, the respondent No.2 – wife married co-accused Shaikh Ahmed in September 2015. On marriage, she started residing at her matrimonial home along with her husband and in-laws. She was treated well for about first three years of her marriage. The only source of income for the family was the Railway Canteen at Purna Railway Station. The husband, parents-in-law and the other in-laws started harassing and ill-treating her to compel her to fetch Rs.5 Lakhs from her parents for opening of a new hotel. Her sister-in-law Afreen had returned from her matrimonial home and started residing with her parents as there used to be frequent quarrels between her and her in-laws. She too instigated the husband and parents-in-law of the respondent – wife to ill-treat her for one or the other reason. Such ill-treatment continued all along.

3. In July 2019, again all the in-laws ill-treated her so as to compel her for dissolution of her marriage with the co-accused. The brother-in-law Azhar threatened her of dire consequences. She was even alleged to be infertile and was forced to undergo

medical treatment. Later on, husband gave her triple talaq. When she was at her parental house, the husband and parents-in-law came there. They picked up quarrel with her. She was relieved of her Stridhan/ ornaments. As the quarrel took place, the husband dipped her both hands in a boiling water while the parents-in-law assaulted her.

4. On the same lines are the statements of the relations of the respondent – wife.

5. Learned counsel for the respondent No.2 – wife and the learned A.P.P. would submit that, the F.I.R. is replete with the incidents of ill-treatment. Each and everyone residing at her matrimonial home had ill-treated the respondent wife. According to them, it is not a fit case to grant the applicants relief.

6. Learned counsel for the applicants would submit that, the F.I.R. and the related papers are conspicuously silent to make out a specific incident of ill-treatment by any of the applicants herein. According to him, the husband and parents-in-law are not before the Court. He again and again took us through the F.I.R. to put forth the points of his submissions.

7. Considered the submissions advanced. Perused the F.I.R. and the related papers. True, the photographs suggest the respondent wife to have suffered burns to her both hands. The

main allegations of ill-treatment are against the husband and his parents. They are not before the Court. The applicant No.7 brother-in-law Azhar and applicant No.1 sister-in-law Afreen have also been attributed with specific overt acts, although the day, date and time thereof has not been mentioned therein. When we expressed disinclination to grant relief to these applicants No.1 and 7, learned counsel for the applicants came around to withdraw their application. As such, the application of applicants No.1 and 7 stands disposed of as withdrawn.

8. Now remains the application of the applicants before this Court, namely the three sisters-in-law, two brothers-in-law and second wife of the husband and even her brother. Close reading of the F.I.R. and the related statements indicate that the allegations against them are general, vague and omnibus. No specific incident of ill-treatment by them has been highlighted. What has been alleged against other sisters-in-law is that they used to visit their parent's house and instigate the husband and their parents to ill-treat the respondent wife. As per the F.I.R., the ill-treatment started after third year of marriage i.e. some time in the year 2018. The F.I.R. has been lodged in September 2019. It is just difficult to imagine that these applicants have harassed and ill-treated the respondent wife many a time within the said period. For want of averments of specific overt act of ill-treatment by any of the

applicants herein, asking them to stand trial, based on such material, would be an abuse of process of Court.

9. In view of the above, the application is allowed in terms of prayer clauses (B) and (B-1) to the extent of applicants No.2 to 6, 8 and 9.

10. The application stands disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-