

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

1052 CRIMINAL WRIT PETITION NO.1757 OF 2022

1. Babbu @ Khadir Maheboob Sayyad.
2. Sheru @ Jahir S/o Maheboob Sayyad.
3. Jubaida Maheboob Sayyad.
4. Nawajabi W/o Taher Shaikh.
5. Julaikha W/o Babbu @ Khadir Sayyad.
6. Reshma W/o Sheru @ Jahir Sayyad. ... **Petitioners**

Versus

1. The State of Maharashtra.
2. Kousar Ayyub Sayyed. ... **Respondents**

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Mr. Mahesh S. Bhosale, Advocate for Petitioners.
Mr. M. M. Nerlikar, APP for Respondent No.1 / State.
Mr. Suresh N. Rodge, Advocate for Respondent No.2.

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

DATE : 24th August, 2023.

Per Court:

. Heard.

2 This petition has been filed for quashment of FIR and consequential charge-sheet in R.C.C No.73 of 2022, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code.

3 Perused the FIR and the related papers.

4 Close reading of the FIR suggests no ingredients of the offence punishable under Section 498-A of the Indian Penal Code get invoked. Admittedly, the informant/wife has been staying with her parents over last twelve years. The petitioners before us are her mother-in-law, sister-in-law, brothers-in-law and their wives. Her husband is said to be physiologically challenged and unable to take his own care. Four of the five daughters of him (husband) and the respondent/wife are married. If the respondent/wife wants to enforce her other civil rights or take care of her husband, she may avail the remedies as are available under the Protection of Women from Domestic Violence Act and other civil law. It is reiterated that close reading of the FIR undoubtedly indicates that no offence punishable under Section 498-A of the Indian Penal Code even *prima-facie* gets invoked. What has been alleged is that the petitioners in 2020 had been to the residence of the parents of the respondent/wife and they abused and assaulted her there. There are no further allegations suggesting an offence punishable under Section 498-A of the Indian Penal Code get attracted. Asking the petitioners to stand trial based on such material, would be an abuse of process of Court. The petition is, therefore, allowed in terms of prayer clauses (B) and (C).

[SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]