

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4315 OF 2022

1. Shaikh Baqar s/o Shaiakh Rasool (withdrawn)
2. Shaikh Rasool s/o Shaikh Maheboob
3. Noorunnisa w/o Shaikh Rasool
4. Shaikh Aju s/o Shaikh Rasool,
5. Aleemunnisa w/o Shaikh Gaffar
6. Kaleemunnisa w/o Shaikh Gaffar
7. Miss. Ruksar d/o Shaikh Rasool ...Applicants

versus

1. The State of Maharashtra
2. Afreen w/o Baqar Shaikh ...Respondents

.....

Mr. H. I. Pathan, advocate for the applicants
Mr. R. B. Bagul, A.P.P. for respondent No.1
Mr. R. B. Dhakane, advocate for respondent No. 2.

.....

**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 19th AUGUST, 2023.**

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard the learned advocates for the respective parties. The learned advocate of the applicants, on instructions, withdrawn the application of applicant No.1/husband.
2. This is an application under Section 482 of Cr.P.C. for quashment of FIR No.177 of 2020 registered with Umri Police Station, district Nanded, for the offences punishable under Sections

498-A, 323, 506 of I.P.C. and the consequential criminal case bearing R.C.C. No. 109 of 2020 pending before the Judicial Magistrate, First Class, Umri, district Nanded.

3. It is averred in the report by the informant/respondent No.2 that her marriage took place on 14.5.2007 with co-accused Shaikh Baqar. Initially, for eight months, she was treated well. But thereafter they started to ill-treat her with cruelty by demanding of Rs.1,00,000/- for purchase of truck. Her husband was also insisting her parents to transfer two acres of land in his name. They used to beat her. On 4.8.2020 her husband came to her parental house at Shirur where she was residing and also asked her as to what happened about the amount of Rs.1,00,000/- and also about transfer of two acres of agricultural land in his name. He beaten her and threatened to eliminate her.

4. The learned advocate for the applicants submitted that the applicants are parents in law, brother in law, wife of brother in law and sisters in law. There are no specific allegations against them. The learned advocate submitted that there is no prima facie evidence against the applicants and the allegations made against the present applicants are general and omnibus in nature. The learned advocate for the applicants thus submitted that the application to the extent of present applicants be allowed.

5. The learned A.P.P. for respondent No.1 State and the learned advocate for respondent No.2 have strongly opposed the application by contending that the applicants were involved in the crime. They submitted that there are specific allegations against the applicants also. The learned A.P.P. and learned advocate for respondent No.2 therefore, submitted to reject the application.

6. On perusal of the report and the charge sheet, it appears that the allegations are against the co-accused husband, who went to the parental house of the informant and demanded Rs.1,00,000/- for purchase of truck and also insisted for transfer of two acres land in his name. On perusal of the report as well as the charge sheet, it also appears that no specific role is attributed to any of the applicants. Prima facie, there is no material against the applicants so as to compel them to face the trial. Thus, it would be abuse of process of Court if the applicants are compelled to face the trial. The application therefore, deserves to be allowed.

7. In view of the above, the criminal application is allowed in terms of prayer clause "B", to the extent of applicant Nos. 2 to 7. No costs.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

rlj/