



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

CRIMINAL APPLICATION NO.2197 OF 2023

1. Adil Kalandar Shaikh
 2. Ayesha Kalandar Shaikh
 3. Sohel Kalandar Shaikh
- ... **APPLICANTS**

VERSUS

1. The State of Maharashtra,
through Ahmednagar Camp Police Station,
Tq. and Dist. Ahmednagar
 2. Saba Adil Shaikh
- ... **RESPONDENTS**

...

Advocate for applicants : Mr. G.R. Syed
A.P.P. for respondent/State : Mr. G.A. Kulkarni
Advocate for respondent No.2 : Ms. Manjushri V. Narwade
(appointed through Legal Aid)

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATED : 11.03.2024

ORDER (MANGESH S. PATIL, J.) :

This is an application under Section 482 of the Code of Criminal Procedure seeking quashment of the crime bearing FIR No.140/2023 registered with the Ahmednagar Camp Police Station, District Ahmednagar for the offence punishable under Section 498-A, 323,504, 506 read with Section 34 of the Indian Penal Code, the consequent charge-sheet and the Regular Criminal Case No.686/2023 pending with the learned Chief Judicial Magistrate, Ahmednagar.

2. After hearing both the sides finally with their consent, when

we express our disinclination to grant any relief to the applicant Nos.1 and 2 who are the husband and mother-in-law of the respondent No.2 their learned advocate seeks leave to withdraw the application to their extent.

3. The allegations in the FIR vis-a-vis the applicant No.3 brother-in-law are only vague and omnibus. It is alleged that after the marriage was solemnized on 31.12.2017, for a month she was maintained properly, thereafter her husband started alleging that the marriage was not performed upto the standard and appropriate gifts were not offered. She was abused and mentally harassed by the husband. When she tried to convince him he assaulted her. Somehow she continued to cohabit. When she had gone to the parental home he did not turn up to take her back and refused to allow her to cohabit with him. Somehow she could manage to resume cohabitation. However, thereafter demand for money was raised and the husband and the in-laws started demanding an amount of Rs.5 Lakh under the pretext that she could deliver a girl child. The FIR then alleges about an episode dated 25.04.2022, wherein, all the applicants including the applicant No.3 assaulted her, getting enraged by her query as to salary of her husband.

4. Conspicuously, for the selfsame incident dated 25.04.2022 the respondent No.2 had already lodged FIR on the basis of which Crime No.186/2022 was registered for the offence punishable under Sections 324, 504, 506 of the Indian Penal Code. While lodging that FIR, the

respondent No.2 had alleged that when she inquired about the husband's salary, her mother-in-law had assaulted her on the forehead and nose with a mobile phone. Conspicuous absence of any allegations against the applicant No.3 in that FIR makes it abundantly clear that the respondent No.2 for the obvious reason has roped in even the applicant No.3 in that episode while lodging the present FIR. If really he had played any role there was no reason for the respondent No.2 not to make the allegations against him while lodging the FIR in crime No.186/2022.

5. In the nutshell, there are no specific and precise allegations against the applicant No.3 either in the FIR or in the statements of the witnesses of the parental side relatives of the respondent No.2. Though everyone mentions about crime No.186/2022 having been registered at the instance of respondent No.2 against applicant No.3 as well, the fact situation is otherwise, as can be discerned from that FIR. No explanation is attempted to be extended by the respondent No.2 for omission of allegations against the applicant No.3 while lodging the earlier FIR. Therefore, the allegations now being levelled in the impugned FIR attributing that incident even to the applicant No.3 is clearly an after thought and deserves to be discarded at the threshold. It is a clear case wherein an attempt has been made to implicate the applicant No.3 without any rhyme or reason.

6. The application is partly allowed. The crime bearing FIR No.140/2023 registered with the Ahmednagar Camp Police Station,

District Ahmednagar for the offence punishable under Section 498-A, 323,504,506 read with Section 34 of the Indian Penal Code, the consequent charge-sheet and the Regular Criminal Case No.686/2023 pending with the learned Chief Judicial Magistrate, Ahmednagar are quashed and set aside to the extent of applicant No.3 - Sohel Kalandar Shaikh.

7. The application to the extent of applicant Nos.1 and 2 namely Adil Kalandar Shaikh and Ayesha Kalandar Shaikh is dismissed as withdrawn.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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