



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3891 OF 2019

- 1) Fazalraheman Khan Vazir Khan Pathan,
Age-68 years, Occu:Pensioner,
R/o-Plot No.3, N-6, E-1, Mathura Nagar,
Cidco, Aurangabad,
- 2) Anisunnisa Begam Khan,
Age-65 years, Occu:Retired,
R/o-Plot No.3, N-6, E-1, Mathura Nagar,
Cidco, Aurangabad,
- 3) Zia Ur Raheman Khan,
Age-36 years, Occu:Teacher,
R/o-Plot No.3, N-6, E-1, Mathura Nagar,
Cidco, Aurangabad,
- 4) Almasa Janha Fazalraheman Khan,
Age-28 years, Occu:Teacher,
R/o-Plot No.3, N-6, E-1, Mathura Nagar,
Cidco, Aurangabad.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Police Station, Jinsi,
Taluka and District-Aurangabad,
- 2) Shirinbano Khan Sami Ur Raheman,
Age-33 years, Occu:Household,
R/o-In front of School of Municipal
Corporation, Shahabajar, Aurangabad.

...RESPONDENTS

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Mr. G.L. Awale Advocate for Applicants.
Mr. V.K. Kotecha, A.P.P. for Respondent No.1.
Mr. R.R. Shaikh Advocate for Respondent No.2 (Absent).

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**CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 2nd SEPTEMBER, 2024

ORDER :

1. Present Application has been filed under Section 482 of the Code of Criminal Procedure for quashing the First Information Report (for short "the FIR") vide Crime No.367 of 2019 registered with Jinsi Police Station, Aurangabad and by way of amendment for quashing further proceedings arising out of charge-sheet bearing Final Report No.I-47 of 2020 pending before the learned Judicial Magistrate First Class, Court No.2, Aurangabad for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code.
2. Heard learned Advocate for the applicants and learned APP for respondent No.1. None present for respondent No.2.
3. Applicant Nos.1 and 2 are the father-in-law and mother-in-law of respondent No.2. Applicant No.3 is sister-in-law and applicant No.4 is brother-in-law of respondent No.2 – informant. Perusal of the FIR would show that informant has clearly stated that she was treated properly for a period of two years of

marriage which had taken place on 25th May 2015. Thereafter her sister-in-law's marriage was performed with the brother of the informant. Informant's educational qualification is B.Sc. B.Ed. and she was serving in a school since three years prior to the FIR. Educational qualification of her husband -accused No.1 is also B.Sc. B.Ed. and therefore, there was demand of Rs.5,00,000/- made by applicants to the informant for getting job for accused No.1 in a school. When she expressed her inability then the sister-in-law instigated the husband of informant and then husband used to abuse informant. Accused No.1 was making allegations that informant is having illicit relations with the office bearer of the educational institution where she was working. He gave threat to pronounce Talaq, in case of her failure to bring amount. All the applicants assaulted her and by giving threat to kill in case of failure to bring amount, drove her out of the house around 10.30 a.m. on 6th May 2019.

4. Thus, it can be seen that role is attributed to each accused. Making allegations and unnecessarily making suspicion over the character, driving her out of the house after assault; are the acts of 'cruelty' as defined in Section 498-A of the Indian Penal Code. As there is prima facie material against applicants in the form of FIR and statements of witnesses, no case is made out for

exercise of powers under Section 482 of the Code of Criminal Procedure.

5. The Applications stands rejected.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/SEP24