

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 2755 OF 2024

1. Mr. Asif Munir Mulla (deleted today)
2. Mr. Arif Munir Mulla & Anr. ..Petitioners

Versus

The State of Maharashtra & Anr. ..Respondents

Mr. Karim Pathan a/w. Mr. Shane Illahi Turkey for Petitioners.
Mr. Ashish I. Satpute, APP for State/Respondent.

CORAM : SARANG V. KOTWAL &
DR. NEELA GOKHALE, JJ.

DATE : 13 NOVEMBER 2024

PC :

1. In this case, notice was issued to the Respondent No.2. The office remark shows that, she was duly served, however, nobody appears for the Respondent No.2. She has not made any provision for her representation before this Court by engaging an advocate. Therefore, we have heard the learned counsel for the petitioners.

2. At the outset, learned counsel for the petitioners

submitted that the Petitioner No.4 has passed away and, therefore, the petition does not survive, as far as, he is concerned. Learned counsel also submitted that, he is not pressing this petition for the Petitioner No.1. He seeks deletion of the Petitioner Nos.1 and 4 from the array of the petitioners. Permission is granted. Learned counsel shall delete the names of the Petitioner Nos.1 and 4 from the array of the parties forthwith. As far as petitioner No.1 is concerned, it is made clear that the proceedings shall continue against him independently. In these circumstances, we have considered this petition only for the Petitioner Nos.2 and 3.

3. The F.I.R. is lodged by the Respondent No.2 vide the C.R.No.289 of 2019 registered at Gandhi Chowk police station, Sangli, under sections 498A, 504 and 506 r/w. 34 of the I.P.C. The investigation is over and the charge-sheet is filed vide the R.C.C.No.608 of 2019 pending before the 4th Jt. C.J.J.D., Miraj, Sangli. The petitioners are seeking quashing of these proceedings.

4. The F.I.R. mentions that the informant got married with her husband on 21.12.1997. The Petitioner Nos.2 and 3 are her

husband's brother and sister respectively. The F.I.R. mentions that the informant's parents had spent sufficient amount and had give sufficient ornaments during the wedding. After a few days of the marriage, the informant realised that her husband was addicted to liquor and he was spending his entire income on his addiction to liquor. The couple had their son on 09.12.1998 and daughter on 14.06.2003. The informant was looking after their children with the help of her father. There are allegations that her husband's parents used to humiliate her and used to harass her. The husband's parents have passed away during the spread of Covid-19 pandemic. There are general and vague allegations against the present Petitioner Nos.2 and 3 that they used to tell her that her husband was inclined to start a new business and for that purpose they were demanding Rs.25 lakhs. Some allegations are made against the Petitioner No.4 who has passed away. The informant started residing with her parents because of this harassment. On this basis the F.I.R. was lodged. The investigation was completed and the charge-sheet was filed. The charge-sheet contains the statements of the informant's mother, brother, brother's wife and

her young son. All the allegations are similar to those mentioned in the F.I.R.

5. Learned counsel for the petitioners submitted that the Petitioner No.3 is the married sister of the husband. She got married in the year 1999. She is residing at Delhi since then, therefore, there could not have been any interference on her part. As far as, petitioner No.2 is concerned, there are vague allegations against him.

6. We have considered these submissions. From the F.I.R. and other statements, it appears that there are only vague and general statements and allegations against both these petitioner Nos.2 and 3. No specific instances or specific allegations are made against them. It appears to be a case of false implication to rope in other relatives of the husband unnecessarily. In this view of the matter, the petition deserves consideration. Hence, we are inclined to admit this petition, as far as, the Petitioner Nos.2 and 3 are concerned.

7. Hence, the following order:

O R D E R

- i) Rule.
- ii) There shall be interim relief in terms of prayer clause (b) in respect of the Petitioner No.2 Arif Munir Mulla and Petitioner No.3 Mrs. Shaheen Rauf Khan, only.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)