



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.588 OF 2023

- 1] Maksud Ahemad s/o Salim Ahemad,
a/a 56 years, occ. labourer,
(Ori. accused no. 2)
- 2] Smt. Anisabano w/o Maksud Ahemad,
a/a 52 years, occ. household work,
(Ori. accused no. 3)
- 3] Nasrinbano w/o Shaikh Javed,
a/a 33 years, occ. household work,
(Ori. accused no. 4)

r/o Khandela, Tq. and Distt. Sikar (Raj.)
- 4] Samrin Bano w/o Shaikh Afzal,
a/a 31 years, occ. household work,
Permanent r/o Khandela,
Tq. and Distt. Sikar (Raj.)
- 5] Farhin Tabassum d/o Maksud Ahemad,
a/a 24 years, occ. household work,
(Ori. accused no. 6)
- 6] Afrin Tabassum d/o Maksud Ahemad,
a/a 23 years, occ. household work,
(Ori. accused no. 7) **APPLICANTS**

...VERSUS...

- 1] Smt. Rafatnaj w/o Dilshad Ahemad,
a/a 23 years, occ. Labourer,
r/o Akil Ansari's house, Momin Pura,
Patur, Tq. Patur, Dist. Akola,
(Ori. complainant)
- 2] State of Maharashtra, through the
PSO Patur, Tq. Patur,
Dist. Akola. **NON-APPLICANTS**

Mr. C. A. Joshi, Advocate for Applicants.
Non for Non-Applicant No.1.
Mr. A. R. Chutke, APP for Non-Applicant No.2/State.

CORAM: **SMT. VIBHA KANKANWADI AND**
 MRS. VRUSHALI V. JOSHI, JJ.

DATE: **26th JULY, 2024.**

ORAL JUDGMENT: **(PER SMT. VIBHA KANKANWADI, J.)**

Criminal application has been filed for quashing the FIR and the charge-sheet against the applicants pending before the learned Judicial Magistrate First Class, Patur, District Akola for the offences punishable Sections 498-A, 323, 294, 504 and 506 read with section 34 of the Indian Penal Code.

2. Applicant Nos.1 and 2 are the parents-in-law, applicant Nos.3 to 6 are the sisters-in-law of non-applicant No.1 original informant. Original informant lodged FIR with Patur Police Station on 14.08.2021. On the basis of which FIR vide Crime No.486/2021 came to be registered and after investigation when charge-sheet is filed the proceedings are numbered as R.C.C. No.217/2021.

3. Heard learned Advocate for the applicants and

learned APP for non-applicant No.2/State. Non-Applicant No.1 was duly served however, failed to appear. The submissions on behalf of both the parties present before Court, are supporting the respective contentions and the learned APP also relies on the reply by Mr. Gajanan Potey, PSI, Police Station Patur, District Akola.

4. Perusal of the FIR and the statements of the witnesses would show that main allegations are against the husband who is not before us. As regards the applicants are concerned, there are general allegations. Though it is stated that the applicants used to give mental harassment, the further acts of mental harassment are not clarified. Initially, it is stated that the alleged harassment was on the count that they have not received the dowry and no proper honour was given, this is vague. As in clear terms, it is not stated that there was any specific demand of money. Then as regards offence punishable under Section 294 of IPC is concerned, it appears that it occurred in the house of parents of the non-applicant No.1. Thus, it is to be noted that it is not on the public road, and therefore, that offence will not get attracted. Thereafter, she says that because of the assault by the husband her legs were got fractured and she was not given medical aid and then he started demanding amount of Rs.15 to 20 lakhs, those

allegations are against the husband.

5. Now, it is to be noted that the applicant Nos.3 and 4 are married sisters of the husband of the informant and they stay at Khandela, Taluka and District Sikar in Rajasthan. Taking into consideration the distance between the said place and Akola it is hard to believe that they would be coming frequently. As regards the other applicants are concerned, it appears that they are residing with the husband of the informant. The allegations are general in nature and omnibus. It would be a futile exercise to ask them to face the trial. Even the statements of the witnesses are stereotyped and they are based on the information that was given by the informant to them. None of the statement state that they had tried to settle the dispute. As the entire family members of the husband are roped in, we are of the opinion that the case is made out for exercise of inherent powers of this Court under Section 482 of the Criminal Procedure Code. Hence, following order:

ORDER

[i] Application stands allowed.

[ii] The proceedings in R.C.C. No.217/2021

pending before the learned Judicial Magistrate First Class, Patur, District Akola arising out of Crime No.486/2021 for the offences punishable under Sections 498-A, 323, 294, 504 and 506 read with Section 34 of the Indian Penal Code stands quashed and set aside as against the applicants.

(MRS. VRUSHALI V. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)

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