



Judgment

30 apl 791.24

1

IN THE HIGH COURT OF JUDICATURE AT BOMBAY :
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (APL) NO. 791/2024

1. Sajjad Ansar Ali Saiyyad (Husband),
aged about 32 yrs., Occ. Private,
2. Ansar Ali Saiyyad (Father-in-law),
Aged about 59 yrs., Occ. Business,
3. Shamimbanu Ansar Ali Sayyad (mother-in-law)
Aged about 55 yrs., Occ. Housewife,
4. Nazim Ansar Ali Saiyyad (Borthther-in-law)
aged about 34 yrs., Occ. –
5. Rukhsar Nazim Saiyyad (sister-in-law)
aged about 30 yrs., Occ. Household,

All Applicant Nos. 1 to 5
R/o. Kataria Layout, Ralegaon,
Tah. Ralegaon, Dist. Yavatmal.

6. Salma Sohebuddin Sheikh (sister-in-law)
aged about 35 yrs., Occ. Household,
R/o. near Masjid, Asi Nagar, Teka,
Nagpur.
7. Asma Wasim Mirza (sister-in-law)
aged about 30 yrs., Occ. Household,
8. Wasim Karim Mirza (brother-in-law)
aged about 35 yrs., Occ. Business,
Nos. 7 & 8 both are R/o. Babhulgaon,
Dist. Yavatmal.

...

APPLICANTS

2

VERSUS

1. State of Maharashtra,
through Police Station Officer,
Police Station, Wadgaon (Jungle)
Dist. Yavatmal.
2. Nargis Sajjad Saiyyad Parveen,
Aged about 28 yrs., Occ. Household,
R/o. C/o. Hamidkha Pathan,
Akola Bazar, Tq. & Dist. Yavatmal.

... **NON-APPLICANTS**

Mr. A. Dhore, Advocate with Mr. Y.S. Bangale, Advocate for
applicants.
Mrs. M. Deshmukh, APP for non-applicant No.1.

CORAM : **VINAY JOSHI AND**
MRS. VRUSHALI V. JOSHI, JJ.

DATE : **13.09.2024.**

ORAL JUDGMENT (PER: VINAY JOSHI, J.) :

Heard.

2. **Admit.**

3. Though informant lady served, she chose to remain absent.

3

4. By this application, the applicants who are husband and relatives of husband are seeking to quash First Information Report ("FIR") vide Crime No. 77/2024 registered with Police Station Wadgaon (Jungle), Dist. Yavatmal for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code.

5. At the instance of report dated 11.03.2024 lodged by non-applicant No.2, crime has been registered. It is informant's case that after marriage, for initial few days, she was treated well by her husband and in-laws, however later, she was subjected to humiliation and harassment on flimsy ground. The informant stated that all the relatives used to support and instigate her husband to harass her. It is her contention that her husband used to chat with some other ladies and when questioned, he used to beat, abuse and harass her. The husband was also raising monetary demand. Rest of the applicants also harassed her by raising demand and therefore, the report.

6. The learned counsel appearing for applicants would submit that reading of Police Paper indicates that entire allegations are vague and general. The informant has not stated date, occasion or period when she harassed. Particularly, it is argued that besides general statement, the role of either of relative has not been specified in the police report. The learned counsel for applicants relied on the decision of the Supreme Court in cases of *Kahkashan Kausar alias Sonam and ors. Vs. State of Bihar and ors. AIR 2022 SC 820 SC* and *Preeti Gupta and anr. Vs. State of Jharkhand and anr., AIR 2010 SC 3363 SC* to contend that the tendency of implicating relatives of the husband on vague allegation is common. In absence of specific allegation, the relatives of husband cannot be implicated in matrimonial dispute. Moreover, the applicants placed reliance on the decision of this Court in case of *Samad Habib Mithani & ors. Vs. State of Maharashtra & anr.* (Criminal Application [APL] No. 1241/2014, decided on 25.07.2024) to contend that the allegation against relatives that they support the husband would not be a ground to implicate the relatives.

5

7. In the light of above, by applying the law as aforementioned, we have re-examined the entire material. It reveals that within short span of three years, the matrimonial life was disturbed. Apart from the physical assault, she has also stated that husband was having intimacy with some other lady. On said count, he used to physically assault her. Certainly, these complaints are restricted to the husband only. The learned APP has also pointed that there are statements which indicate that during pregnancy, husband has assaulted the informant lady. Thus, so far as the husband is concerned, the contention about absence of *prima facie* material cannot be accepted. As regards to the rest of the applicants are concerned, they are relatives of the husband. The applicant Nos. 6 and 7 are married sisters of informant's husband and applicant No.8 is husband of applicant No.7. They stay away from the informant's husband's house.

8. The learned counsel for the applicants submitted that the informant has made general allegation that all applicants have abused, raised monetary demand and gave threats. In absence of specific role

6

of either of the relatives of husband, it is difficult to accept the informant's case.

9. In view of above decisions, the relatives of husband cannot be dragged in the litigation on account of general and vague statement. Therefore, we do not see any *prima facie* material to put the relatives on trial.

10. In view of above, application is partly allowed. The application to the extent of applicant No.1 husband Sajjad Ansar Ali Saiyyad stands rejected. We hereby quash and set aside FIR vide Crime No. 77/2024 registered with Police Station Wadgaon (Jungle), Dist. Yavatmal for the offence punishable under Sections 498-A, 504, 506 read with Section 34 of the Indian Penal Code to the extent of applicant Nos. 2 to 8.

11. Application stands disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)