



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

CRIMINAL WRIT PETITION NO. 44 OF 2024

1. Amer Pasha s/o. Abdul Quadar Sayyed, (Husband),
Age 36 years, Occu. Unemployed,
R/o. Housing Society, Shivaji Chowk,
Ambajogai, Tal. Ambajogai, Dist. Beed
2. Abdulquadar s/o. Janulla Sayyed, (Father-in-law),
Age 63 years, Occu. Doctor,
R/o. Housing Societty, Shivaji Chowk,
Ambajogai, Tal. Ambajogai, Dist. Beed
3. Parveen w/o. Abdulquadar Sayyed, (Mother-in-law)
Age 60 years, Occu. Household,
R/o. Housing Society, Shivaji Chowk, Ambajogai,
Tal. Ambajogai, Dist. Beed
4. Umair Pasha s/o. Abdulqadar Sayyed, (Brother-in-law)
Age 33 years, Occu. Advocate,
R/o. N-4, CIDCO, Aurangabad
5. Farah Naaz d/o. Wajedkhan Pathan, (Sister-in-law)
Age 32 years, Occu. Household-work from home,
R/o. N-4, CIDCO, Aurangabad
6. Imran s/o. Hameed Pathan, (Brother-in-law)
Age 37 years, Occu. Phamasist,
R/o. Miyabhai Colony, Ambajogai,
Tal. Ambajogai, Dist. Beed
7. Ashufta w/o. Imran Pathan, (Sister-in-law)
Age 87 years, Occu. Household,
R/o. Miyabhai Colony, Ambajogai,
Tal. Ambajogai, Dist. Beed
8. Shaista w/o. Sameer Shaikh, (Sister-in-law)
Age 29 years, Occu. Household,
R/o. Fathe Burj Joshi Galli, Itvara, Nanded
9. Sameer s/o. Nawab Shaikh, (Brother-in-law)
Age 30 years, Occu. Household,
R/o. Fathe Burj, Joshi Galli, Itvara, Nanded
Tal. and Dist. Nanded

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Petitioners
(Original Accused)

Versus

1. The State of Maharashtra
Through the Police Inspector,
Ahmedpur Police Station, Ahmedpur
Tal. Ahmedpur, District Latur
2. Bibi Javeri w/o. Amer Pasha Sayyed, (Informant)
Age 25 years, Occu. Doctor,
R/o. Arfat Colony, Ahmedpur,
Taluka Ahmedpur, District Latur .. Respondents

Mr. K. N. Shermale, Advocate for the Petitioners;
Mr. S. J. Salgare, A.P.P. for Respondent No.1;
Mr. V. G. Kodale, Advocate for Respondent No.2

**CORAM : NITIN B. SURYAWANSHI AND
MANJUSHA DESHPANDE, JJ.**

DATE : 02-05-2025

PER COURT:-

1. By this petition under Articles 226 and 227 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, petitioners seek quashing of First Information Report (FIR) No.0567 of 2023 registered with Ahmedpur Police Station, for the offences punishable under Sections 498A, 420, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code and Section 7 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, on the basis of which after filing of chargesheet, Regular Criminal Case No.431 of 2023 is registered in the Court of Judicial Magistrate First Class, Ahmedpur.

2. Heard learned Advocate for the petitioners, the learned Advocate for respondent No.2 and the learned A.P.P. for the State.

3. Perused the documents placed on record.

4. After arguing the matter for some time, when this Court was not inclined to grant relief, learned Advocate for the petitioners seeks permission to withdraw the application of husband / applicant No.1 – Amer Pasha. Permission granted. The writ petition to his extent is dismissed as withdrawn.

5. Perusal of F.I.R. in question shows that the marriage of second respondent was performed with petitioner No.1 on 03.11.2021. It is alleged in the F.I.R. in question that the marriage of second respondent with petitioner No.1 was performed on 03.11.2021. At the time of settlement of marriage, petitioners told that petitioner No.1 is the Doctor. After the second respondent came for cohabitation at matrimonial house, she came to know that her father-in-law/petitioner No.2 runs the hospital and husband/petitioner No.1 takes rest for the entire day. She was treated well for some days and, thereafter, husband/petitioner No.1 made a demand of Rs.10,00,000/- for construction of new hospital. The second respondent expressed inability of her parents to give such a huge amount. Since the petitioners were harassing her for demand of amount of Rs.10,00,000/-, the second respondent called her parents. Her father brought her to the

paternal home. Thereafter, with the intervention of relatives, respondent No.2 again went for cohabitation. On 24.09.2023, all the petitioners demanded Rs.10,00,000/- and harassed her physically and mentally and beat her and she was driven out of the house.

6. From the allegations made in the F.I.R., offence is made out against the husband/petitioner No.1. The allegations made against petitioners No.2 to 9 are vague and general. It is the case of petitioners that petitioners No.4 and 5 are residing at Aurangabad, petitioners No.6 and 7 are residing at Miyabhai Colony, Ambejogai and petitioners No.8 and 9 are residing at Nanded. The allegations made against petitioners No.2 to 9 are vague and general and no specific instances of the alleged illtreatment and harassment are made by the second respondent against the petitioners. It appears that the petitioners are implicated in the present crime so as to settle personal scores and to pressurize petitioner No.1. In view of the matter, continuation of the prosecution against the petitioners would be an abuse of process of law.

7. In the result, the Writ Petition is allowed.

8. The proceedings of Regular Criminal Case No.431 of 2024 pending before the Court of Judicial Magistrate First Class, Ahmedpur, arising out of F.I.R. No.567 of 2023 registered with Ahmedpur Police Station, Ahmedpur, for the offences punishable

under Sections 498A, 420, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code and Section 7 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, are hereby quashed and set aside to the extent of petitioners No.2 to 9.

[MANJUSHA DESHPANDE]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE

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