



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 160 OF 2025

1. Rehman Gaffar Khan,
Age: 65 Years, Occ: Business,
R/o: Musalmaan Muhalla, Tq: Nawapur,
Dist: Nandurbar
[Father-in-law]
2. Nikhat Rehman Shaikh,
Age: 60 years. Occ: Household,
R/o: Musalmaan Muhalla, Tq: Nawapur,
Dist: Nandurbar
[Mother-in-law]
3. Shaheen Altaf Shaikh,
Age: 34 years. Occ: Household,
R/o: 112 Islampura, Songadh, Tq. Songadh
Dist: Tapi, State: Gujrat
[Sister-in-law]
4. Moin Rehman Shaikh,
Age: 26 years. Occ: Business,
R/o: Musalmaan Muhalla, Tq: Nawapur,
Dist: Nandurbar
[Husband]

... Applicants

Versus

1. The State of Maharashtra,
Through Nawapur Police Station,
Tq: Nawapur, Dist: Nandurbar.
2. Shaikh Gulfaan Shaikh Sultan,
Age: 42 years. Occ: Driver,
R/o: Mohammadiya Chowk,
Neemjhari Road, Shirpur,
Tq: Shirpur, Dist: Dhule.

... Respondents

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Mr. Ziya Pathan, h/f Mr. G. R. Syed, Advocate for Applicants.

Mrs. P. R. Bharaswadkar, APP for Respondent / State.

Mr. Vikrant P. Raje, Advocate for Respondent No.2.

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CORAM : **SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 24th June, 2025.

ORDER: (Per Sanjay A. Deshmukh, J.)

1 Heard the learned advocates for the respective parties.

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing of the proceedings in Sessions Case No.64 of 2023, pending in the Court of learned Principal District and Sessions Judge, Nandurbar, District Nandurbar, for the offences punishable under Sections 306, 498-A and 304-B of the Indian Penal Code, 1860 (for short "the IPC"), arising out of FIR bearing Crime No.09 of 2023, dated 1st January, 2023, registered with Nawapur Police Station, Taluka Nawapur, District Nandurbar, for the offences punishable under Sections 306 and 498-A of the IPC.

3 The application of applicant Nos.1, 2 and 4 was already

withdrawn on 4th March, 2025.

4 Applicant No.3 is the sister-in-law of the sister of informant / respondent No.2.

5 Respondent No.2 / informant averred in the report that he is a driver by profession. He had one sister named Halima, who was married in the month of October 2021 with accused No.1. After the marriage, his sister Halima resided with her husband and the parents-in-law.

6 The informant further averred that for a period of approximately three months after the marriage, his sister was treated well at her matrimonial home. Thereafter, her mother-in-law began to harass her over domestic chores. Her father-in-law and husband took the side of the mother-in-law and supported her behavior. They mentally harassed Halima by taunting her that her mother and brothers had spent inadequately in the marriage and failed to make proper arrangements. His sister told that fact to him and his brothers when she visited Shirpur. Subsequently, the informant and his brothers had visited Nawapur and tried to convince all the accused, after which they sent their sister back to reside at her matrimonial home. After about two months, when Halima returned again to Shirpur, she informed

them that her applicant No.3 used to come to Nawapur and instigate her husband and parents-in-law against her. Halima told that all the applicants told Halima to bring money from her parental home on the pretext that she had six brothers and could thus fetch money to support their business. Thereafter, the informant and his brothers convinced her and promised to provide financial help to the extent possible, after which they again sent her back to her matrimonial home. Thereafter, Halima continued to reside at her matrimonial home in Nawapur.

7 The informant further averred that about two months prior, during the wedding of his daughter, Halima and husband had visited Shirpur. Halima told to her mother and brothers that the the applicants were still treating the her with cruelty. She alleged that applicant No.3 frequently visited from Songadh and instigated her in-laws and husband against her. Halima was deliberately served meals as late as 04:00 pm, was beaten by her husband over trivial issues. On the same evening after the wedding, when they requested the husband of Halima to stay back for a discussion, he raised a quarrel and took Halima with him. Thereafter, the informant and his family got busy with their daily routines. Occasionally, they tried to contact the husband of Halima over the phone to speak with Halima, but he made excuses that he was out of the house and he used to disconnect the phone.

8 The informant further averred that on 1st January, 2023 at around 01:45 pm, the informant received a phone call from Halima's elder brother-in-law, who informed him that his sister Halima had committed suicide by hanging herself from the ceiling fan in the house. Immediately, the informant contacted his brothers and relatives to inform them about the incident and rushed in a private vehicle to the Government Hospital at Nawapur. There, they found Halima lying deceased on the postmortem table. Therefore, he lodged the report.

9 The learned counsel for the applicants submits that applicant No.3 is falsely implicated in the crime. False allegation of demand of money is made against applicant No.3. There is no cogent and acceptable evidence against her. Vague and general allegations are made against her. He lastly prayed to allow the application.

10 The learned APP for the State strongly opposed the application and submitted that applicant No.3 is involved in the serious crime. Her name is mentioned in the report. She treated the sister of informant with cruelty. She has committed anti-social crime. The learned APP lastly prayed to reject the application.

11 The learned counsel for the informant / respondent No.2

also strongly opposed the application. He submitted that applicant No.3 is involved in the serious crime. Her name is mentioned in the report. She treated Halima (sister of informant) with cruelty. She demanded money to Halima. He lastly prayed to reject the application.

12 Here, it is relevant to refer to the decision of the Honourable Supreme Court in ***Mohammad Wajid and Another Vs. State of U.P. and Another***, reported in, ***2023 SCC Online SC 951; 2023 INSC 683***, whereunder the Honourable Supreme Court held thus:-

“34. it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation....”

13 A reference also can be made to the judgment in the case

of ***CBI Vs. Aryan Singh***, reported in, **2023 SCC Online SC 379**, in which the Honourable Supreme Court held as under:-

“Para 10... As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr. P.C., the Court is not required to conduct the mini trial.”

14 We have perused the charge-sheet, particularly, the report and the statements of witnesses. The witnesses have stated similar facts as stated by the informant in the report.

15 The application of applicant Nos.1, 2 and 4 is withdrawn. So far as applicant No.3 is concerned, general and vague allegations of cruelty are made against her. She is residing in Gujarat. Though the allegations are made against her that she treated the the sister of the informant with cruelty, it is not pointed out as to when she came from Gujarat to Nawapur to instigate the husband and parents-in-law of Halima and treated her with cruelty. She is implicated in the crime only because she is relative of the husband of Halima.

16 As far as commission of suicide by Halima is concerned, the incident took place on 1st January, 2023 at the house of her husband. As per Section 107 of the IPC, there must be an abetment to

commit suicide soon before the death for which punishment is provided under Section 306 of the IPC. It is not the case of the prosecution that soon before her death, applicant No.3 was present there and instigated her for commission of suicide. The report and the statements of witnesses are silent about it. Applicant No.3 was at Gujarat at the relevant time and there is no material against her that she abetted and instigated Halima to commit suicide soon before her death.

17 Though Section 304-B of the IPC is invoked against applicant No.3, there is absolutely no material against her to establish that she harassed Halima by demanding dowry. Thus, the essential ingredients of Sections 306, 498-A and 304-B of the IPC are not establishing against applicant No.3 from entire charge-sheet.

18 If the entire material is considered together, then it would certainly be an abuse of the process of the Court, if applicant No.3 is directed to face the trial. We are therefore, inclined to allow the application to the extent of applicant No.3, by exercising our inherent powers under Section 482 of the Cr.P.C. in the interest of justice and to prevent the abuse of the process of the Court. The application, therefore, deserves to be partly allowed in favour of applicant No.3. Hence, the following order:-

ORDER

- I. The application is partly allowed.
- II. The application of applicant Nos.1, 2 and 4 is already dismissed as withdrawn by order dated 4th March, 2025.
- III. The proceedings in Sessions Case No.64 of 2023, pending in the Court of learned Principal District and Sessions Judge, Nandurbar, District Nandurbar, for the offences punishable under Sections 306, 498-A and 304-B of the Indian Penal Code, arising out of FIR bearing Crime No.09 of 2023, dated 1st January, 2023, registered with Nawapur Police Station, Taluka Nawapur, District Nandurbar, for the offences punishable under Sections 306 and 498-A of the Indian Penal Code, stands quashed to the extent of applicant No.3 only.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]

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