



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

25 CRIMINAL APPLICATION NO. 242 OF 2024

1. Maula S/o Mohidin Shaikh
Age : 64 years, Occ : Labour,
2. Shahidabi W/o Maula Shaikh
Age : 55 years, Occ : Household,

Both Applicants Nos.1 & 2 R/o Hatola,
Tq. Ambajogai, Dist. Beed.

3. Shirin Aaref Shaikh
Age : 31 years, Occ : Household,
R/o Ranjani, Tq. Kalamb,
Dist. Dharashiv
4. Rubin Aajar Shaikh
Age : 28 years, Occ : Househld,
R/o New Bhagyanagar, Pach number Chauk,
Latur, Dist. Latur.
5. Nasarin D/o Maula Shaikh
Age : 25 years, Occ : Education,
6. Shahin D/o Maula Shaikh
Age : 23 years, Occ : Education,
7. Farin D/o Maula Shaikh
Age : 20 years, Occ : Education,

Applicant Nos.5 to 7 R/o Mr.R.V. Rachatte,
Majage Nagar, Latur, Dist. Latur.

..APPLICANTS

-VERSUS-

1. The State of Maharashtra
Through In-charge of M.I.D.C. Police Station,
Latur, Dist. Latur.

2. Najmin W/o Sattar Shaikh
Age : yrs, Occ : Service,
R/o Hatola, Tq. Ambajogai,
Dist. Beed.

..RESPONDENTS

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Advocate for Applicants : Mrs.Deepali A. Yenegure h/f Mr.Yenegure
Apparao Prakash

APP for Respondent/State : Mr.A.D. Wange

Advocate for Respondent No.2 : Mr. Swami Sandeep C.

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**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W.JOSHI, JJ.**

DATE : 8th JANUARY, 2025.

ORAL ORDER :

. Present application has been filed under Section 482 of the Criminal Procedure Code initially for quashing F.I.R. vide C.R. No.901/2023 registered with M.I.D.C. Police Station, Latur, Dist.Latur for the offence punishable under Sections 498-A, 323, 504 read with 34 of the Indian Penal Code and by way of amendment to quash proceeding in Charge-Sheet No.103/2024 i.e. Regular Criminal Case No.535/2024 pending before the learned Judicial Magistrate, First Class, Latur.

2. The fact which is not in dispute is that respondent No.2 got married to one Dr. Sattar Maula Shaikh on 20.06.2021 as per Muslim rites. Applicant Nos.1 and 2 are the parents-in-law, applicant Nos.3 to 7 are the sisters-in-law of respondent No.2.

3. It will be pertinent to mention here that after hearing the learned Advocate Ms.Deepali Yenegure h/f Mr.A.A. Yenegure, learned

APP as well as learned Advocate Mr.S.C. Swami for respondent No.2 disinclination is shown to grant any relief to applicant Nos.1 and 2. Learned Advocate for the applicants, upon instructions seeks withdrawal of application as against them.

4. The matter proceeded for reliefs claimed on behalf of applicant Nos.3 to 7, who are the sisters-in-law of respondent No.2. It appears that applicant No.3 was already married when the marriage of respondent No.2 had taken place. As per contents of F.I.R. applicant Nos.1 and 2 had put a proposal to the father of respondent No.2 for marriage between applicant No.4 and brother of respondent No.2, which was refused by the father of respondent No.2 and according to her thereafter harassment started. It is also to be noted that respondent No.2 appears to be a Medical Practitioner and employed in Government and her husband is also a Medical Practitioner. As per the F.I.R. there was demand for money after the marriage of applicant No.4 was fixed with another boy and at that time, half of the amount was given on behalf of parents of respondent No.2. The contents of F.I.R. would show that all the accused were demanding remaining amount of Rs.2,00,000/- and thereafter there was demand of Rs.10,00,000/- for purchasing Car since May, 2023.

5. Taking into consideration all the allegations in the F.I.R. and also now the statements of the witnesses which are on the same

lines as regards applicant Nos.3 to 7 are concerned, there is no overt act or specific role. There are documents to the effect that applicant No.5 is taking education in Medicine at Solapur i.e. at Dr. VM. Medical College, Solapur and applicant No.6 taking education in B.H.M.S. at Latur. When they were pursuing their education, it is hard to believe that they would have subjected respondent No.2 to cruelty and it is also coming on record that for some days the informant went to stay with her husband at Nagpur. We are, therefore, of the opinion that case is made out for exercising power under Section 482 of the Criminal Procedure Code in favour of applicant Nos.3 to 7. We therefore proceed to pass the following order :-

ORDER

- (i) The application stands dismissed as withdrawn as against applicant No.1- Maula S/o Mohidin Shaikh and applicant No.2 - Shahidabi W/o Maula Shaikh.
- (ii) The application stands allowed as against applicant Nos.3 to 7. The proceedings in Charge-Sheet No.103/2024 i.e. Regular Criminal Case No.535/2024 pending before the learned Judicial Magistrate, First Class, Latur arising out of the F.I.R. vide C.R. No.901/2023 registered with M.I.D.C. Police Station, Latur, Dist. Latur, for the offences punishable under Sections 498-A, 323, 504 read with 34 of the Indian Penal Code are quashed against applicant No.3 - Shirin Aaref Shaikh,

applicant No.4 - Rubin Aajar Shaikh, applicant No.5 - Nasarin D/o
Maula Shaikh, applicant No.6 - Shahin D/o Maula Shaikh and applicant
No.7 - Farin D/o Maula Shaikh.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

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