



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

CRIMINAL APPLICATION NO.247 OF 2024

1. Habib Ali Bin Abdulla Aljilani,
Age : 30 years, Occu : Labour,
R/o Roshan Gate, Chh. Sambhajinagar

2. Habib Salam Habib Abdulla
Age : 42 years, Occu: Labour,
R/o. As above

3. Nikhat Ara@ Sharifa w/o. Habib Salam
@ Salam,
Age : 34 years, Occu : Household,
R/o. : As above

... Applicants

-VERSUS-

1. The State of Maharashtra
Through – Jafrabad Police Station, Jalna,

2 Sana Kausar Habib Mohmmad
Age : 30 years, Occu : Household,
R/o : Roshan Gate, Chh. Sambhaji Nagar,
Presently residing at :
Adarsh Nagar, Jafrabad

...Respondents

...
Mr. Akshay S. Tilve, Advocate for the Applicants.
Mr. A. D. Wange, APP for Respondents/State.
Mr. R. C. Bora & Mr. Zakir Umar Shaikh for Respondent No.2 (Absent)

...

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

DATED : 29th APRIL 2025

O R D E R (Per Sanjay A. Deshmukh J.) :-

1. This is an application for quashment of the First Information

Report ('FIR') vide Crime No.185 of 2022 dated 08.07.2022 registered at Jafrabad Police Station, Dist. Jalna, and proceedings bearing R.C.C. No.186 of 2022 pending before the learned Civil Judge Junior Division and Judicial Magistrate First Class, Jafrabad for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 ('IPC').

2. Informant averred in the report that applicant nos.1 and 2 are her brothers-in-law and applicant no.3 is her sister-in-law. She married with the brother of applicants on 22.10.2014. After the marriage she was treated well for one year. Thereafter, applicants and other family members started to harass her on trivial reasons. Her husband had demanded Rs.5,00,000/- for starting business. Her parents paid him Rs.1,10,000/- in total. Thereafter also he continued to harass her. He said that he will not allow her to co-habit happily with him. All the applicants started to abuse informant for not bringing that amount from her parents. They were instigating her husband. Applicants and other family members defamed her on her chastity and instigated her husband to beat her on that count. She was kept on starvation. She was expelled from the house. Because of the harassment, the informant stayed with her parents at Adarsha Nagar, Jafrabad. Thereafter again she went for co-habitation. Informant further averred that the applicants and other family members again doubted her character and

abused her. They demanded divorce. They also demanded money. She was continuously harassed for money and lastly expelled from the house. They said that unless she brings Rs.5,00,000/- she should not come back. Informant therefore lodged the complaint to the Women's Grievance Redressal Cell, Jafrabad. The matter could not be compromised, therefore, the informant lodged the report on 08.07.2022.

3. The learned counsel for the applicants submits that the applicants are falsely implicated in the crime. There are general and vague allegations against them. No specific incident is stated by the informant in her report as to when demand of Rs.5,00,000/- was made for starting business. There is no cogent and acceptable evidence against the applicants. He lastly submitted that if the applicants are compelled to face the trial, they will certainly suffer. He lastly prayed to allow the application.

4. The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. Their names are mentioned in the report. They have demanded Rs.5,00,000/- for starting business. They have treated the informant with cruelty. He lastly prayed to reject the application.

5. Here, it is relevant to refer to the decision of the Hon'ble 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....”

6. 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. PC.. the Court is not required to conduct the mini trial.”

7. We have perused the charge sheet, particularly, statements of the witnesses. The witnesses have stated similar facts as alleged by the informant in her report. From the report and the statements of witnesses it appears that husband of the informant was demanding money to her and he had harassed her for it. He is not party in this proceedings. Role of these applicants is not specifically stated by the informant in the report as to when and how she was treated with

cruelty. The vague and general allegations are made against the applicants. Their role is not specifically stated. Considering entire material before this Court, if the applicants are compelled to face the trial, it would certainly be an abuse of the process of Court. We are therefore inclined to exercise our inherent powers under Section 482 of the Cr.P.C. for quashing the report and charge sheet against the applicants in the interest of justice to prevent the abuse of process of Court. Hence, the following order :-

ORDER

- i. Application is allowed.
- ii. First Information Report ('FIR') vide Crime No.185 of 2022 registered at Jafrabad Police Station, Dist. Jalna, and proceedings bearing R. C. C. No.186 of 2022 pending before the learned Civil Judge Junior Division and Judicial Magistrate First Class, Jafrabad for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the I.P.C. are quashed as against all the applicants.

[SANJAY A. DESHMUKH J.]

[SMT. VIBHA KANKANWADI J.]

Narwade