



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 396 OF 2024

1. Sunera Mohammad Aasef @ Sunera bano Mohammad Asif Sumar
Age - 47 years, Occu. - Housewife
R.o Sawli Sadoba, Tq - Yavatmal
Dist. - Yavatmal
 2. Daima Mohammad Jalal @ Daima Jalal Pochi
Age - 43 years, Occ. - Housewife
R.o Muse Nagar, Surat,
Tq. and Dist. - Surat, Gujrat **(Sister-in-law)**
 3. Sajeda Mohammad Sarfraj @ Punja Sajedaben Sharafarajbhai
Age - 33 years, Occu. - Housewife,
R.o Ghachi Fariya, Upleta,
Dist - Rajkot, Gujrat **(Sister-in-law)**
- ... APPLICANTS**
(Orig. Accused No. 5, 6 and 7)

VERSUS

1. The State of Maharashtra
Through Police Station,
Itwara, Nanded, Tq. and Dist. - Nanded
2. Afrozbanu Mohammad Bilal Talu,
Age - 36 years, Occ. - Housewife,
R/o Sai Nagar, Alsafa Complex, Nanded,
Tq. - Nanded, Dist. - Nanded **... RESPONDENTS**
(Resp. No. 2 Orig. Complainant)

...

Mr. S. B. Pulkundwar, Advocate, Mr. A. V. Patil Indrale, Advocate for Applicants
Mr. S. A. Gaikwad, APP for Respondent No.1/State
Mr. B. N. Gadegaonkar, Advocate for Respondent No.2

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

DATE : 24th MARCH, 2025

ORDER :

1. Present application has been filed for quashing the First Information Report vide Crime No. 378 of 2023 dated 15.12.2023 registered with Police Station, Itwara, Tq. & Dist. Nanded and later on by way of amendment for quashing the proceedings in Regular Criminal Case No.1031 of 2024 pending before learned Chief Judicial Magistrate, Nanded for the offence punishable under Sections 498-A, 294, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860.

2. Heard learned advocate for the applicant, learned APP and learned advocate for respondent No.2. Perused entire charge-sheet along with the First Information Report. The facts which are not in dispute that respondent No.2 had got married with one Mohemmad Bilal on 17.11.2008 who was residing in Bangalore. The present applicants are her married sisters-in-law. Two of them are residing in Gujarat and another at Yeotmal.

3. The informant states that she was treated properly for about five years by all the accused persons and since 2023, the harassment started. The main allegations are against the husband. But, as regards present applicants are concerned, she states that applicant Sunera bano used to give threat that respondent No.2's husband's second marriage

would be performed. The other two applicants i.e. Daima and Sajeda used to assault her on her face and back and used to abuse her in filthy language.

4. Important point to be noted is that when this incident had taken place is not stated nor there is any reason stated that why the applicants were residing in their parental home though they are married. If that incident was restricted to single incident, then it cannot amount to cruelty as defined under Section 498A of the Indian Penal Code, nor the alleged abuses can be considered under Section 294 of Indian Penal Code, because the alleged incident is stated to have taken place inside the house. Neither public was involved nor the incident had taken place in public place to the annoyance of others. The First Information Report is filed in the year 2023. Under such circumstance, it would be abuse of process of law if the present applicants are directed to face the trial. Hence following order:

ORDER

- (i) Application stands allowed.
- (ii) The proceedings in Regular Criminal Case No. 1031 of 2024 pending before learned Chief Judicial Magistrate, Nanded arising out of First Information Report vide Crime No. 378 of 2023 dated 15.12.2023 registered with Itwara Police Station, Nanded, for the offence punishable

under Sections 498A, 294, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860, stands quashed and set aside as against applicants viz. 1) **Sunera Mohammad Aasef @ Sunera bano Mohammad Asif Sumar**, 2) **Daima Mohammad Jalal @ Daima Jalal Pochi** and 3) **Sajeda Mohammad Sarfraj @ Punja Sajedaben Sharafarajbhai**.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

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