



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 724 OF 2024

1. Azroddin s/o Rajjak Shaikh
Age 32 years, Occ. Business
R/o. Chaugaon Road, Shivaji Nagar
Behind Bharat Saw Mill, Satana
Tq. Baglaan, District Nashik
(husband of respondent No.2)
2. Nazmin d/o Rajjak Shaikh
@ Naazmeen Bashir Ahmed
Age 30 years, Occ. Household
R/o. Nisarga Brundavan Apartment
Flat No. 07, 4th floor,
Shri Ananath Nagar, Lane No.2,
Electronic City, Bangalore
Karnataka
(sister-in-law of respondent No.2) ...Applicants

Versus

1. The State of Maharashtra
Through Investigation Officer
Mehunbare Police Station
Tq. Chalisgaon, Dist. Jalgaon
2. Minaz w/o Azroddin Shaikh
(wife of applicant No.1)
Age 29 years, Occ. Service
R/o. Saigaon, Tq. Chalisgaon
District Jalgaon ...Respondents

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Mr. Dinesh Manwatkar and Mr. Pandurang Bondar h/f Mr. S.S.
Randive, Advocate for the applicants
Mr. S.A. Gaikwad, A.P.P. for the respondent No.1
Mr. S.V. Suryawanshi, Advocate for respondent No.2.
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 11th AUGUST, 2025

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard learned advocates for the respective parties.
2. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") for quashing of the First Information Report (for short "F.I.R.") vide C.R. No. 123 of 2021, dated 10.7.2021 registered with Mehunbare police station, District Jalgaon, for the offences punishable under sections 498-A, 406, 352, 323, 294, 506 of the Indian Penal Code, 1860 (for short "I.P.C.") and Section 4 of Muslim Women (Protection of Rights on Marriage) Act, 2019 and the consequential criminal case bearing R.C.C. No. 3 of 2022 pending before the Judicial Magistrate, First Class, Chalisgaon, District Jalgaon.
3. The informant averred in the report that she married with applicant No.1 on 13.3.2016. In her marriage, 5 gm. Gold ring, 01 tola gold Mangalsutra, 5 gm. Gold ear-rings, 3 gm. Gold ring, and silver anklet alongwith other household articles were given. Entire expenses of Rs.7,00,000/- for the marriage were incurred by the father of the informant. For the said marriage, her father obtained hand loans from uncle Shakroddin Musa Ansari, friends Munna

Surana and Sudhir Vinayak Shinde. After the marriage, informant started to cohabit with her husband and other family members i.e. father-in-law, sister in law, brother in law etc. jointly. Father-in-law divided the business. Her husband got share in the businesses of salt, chilly, spices and chilly grinding center. Her husband is looking after entire transaction of the shop. Her brother-in-law Masood got medical shop. The unmarried daughter Nazneen i.e. sister-in-law of the informant, i.e. the present applicant, was residing with them. In the year 2016 father-in-law of the informant died. At that time, the applicant No.1 said that he wanted to expand his business of spices. He stated that he required some capital for it. He asked the informant to bring an amount Rs.10,00,000/- from her parents. She told him that her father's financial position is poor and, therefore, she cannot bring that amount. Upon that, her husband was enraged. He said that if she does not fetch that amount, he will not allow her to stay with him. Then he abused her in the filthy words and beat her with fist and kick blows. He said that he is giving Talaq to her. The informant thought that if she says that fact to her parents, her parents will unnecessarily worry over it and therefore, she did not tell about the same to her parents. The temper of her husband was hot and angry and therefore, applicant No.2 Nazneen used to instigate him for quarreling.

4. The informant further averred that after some months, applicant No.1 was doubting about her character. He was saying that she has illicit relations with someone else. The applicants were saying that she is not cooking the food properly and also she is not cleaning the clothes and utensils properly. She was insulting her frequently by saying that her parents did not give sufficient articles in that marriage. When the informant told that fact to her husband, he harassed her on that count also.

5. The informant further averred that when she was pregnant, the applicants beat her by saying to bring an amount Rs.10,00,000/- from her parents. She was not allowed to go for delivery to her parents' house. Therefore, her mother Shaheen came there. The informant begot a daughter, Ira, in the year 2017. The entire expenses of delivery were incurred by her parents. The applicants used to taunt her as she could not begot male child and they were expecting male child from her and on that count, they were also harassing her. Applicant No.1 told that he did not like her. He said that he required Talaq from her and was frequently saying that he is giving Talaq to her. The marriage of applicant No.2 was performed in the year 2018. However, even though she went to Bangalore with her husband, she used to make phone calls to applicant No.1 and instigate him for quarreling with the informant. Whenever applicant No.2 used to

come to her parental house, she was teasing the informant and instigating applicant No.1 for quarreling.

6. The informant further averred that on 19.03.2021, the applicants again demanded Rs.10,00,000/- to her. When the informant gave a cup of tea to her husband, he threw it on her person. She sustained burn injuries to her waist. At that time, her husband abused her and said that she is making mockery. If she is not fetching an amount of Rs.10,00,000/- he will kill her by giving her poison and is ready to face all the consequences. The police are in his pocket. At that time, applicant No.2 abused her by using a vulgar language. At that time, applicant No.1 said that he is giving Talaq to her and he caught both of her hands and beat her on hands. At that time, applicant No.2 caught hold the hands of the informant, applicant No.1 dragged her hairs and beaten her by fist and kick blows on her stomach, face, hands and legs. She was starved. Her gold and silver ornaments were taken away from her person and she and her daughter Ira were driven out of the house by closing the door from inside. She stayed outside of the house. After some time. Her husband again came to her and said that why she did not go, does she want to take last breath there. At that time, the informant told that she would not go to her parents' house. Her husband made a phone call to her father and forcibly gave it to the informant. She told

about the said incident to her father. The father of the informant said that she should stay there. After some time, her uncle Shakroddin Musa Mansuri and friend of her father Munna Surana came there. They tried to convince applicant No.1, but he abused and threatened them. Thereafter, the informant alongwith her daughter Ira went to her parents' house on 19.03.2021. Since then, she is residing with her parents. She tried to call her husband frequently, but he did not respond to her.

7. The informant further averred that, on 30.5.2021, when she was at her parent's house, the applicants came there. She served water to them. The applicant No.1 thrown that glass. The informant felt that they might have come to take her and her daughter back. After drinking the water, applicant No.1 thrown a glass and said that did she feel that they will leave her easily and assaulted on her stomach by kicks. The informant fell down. The applicants caught hold of her hands and slapped her and beat her. At that time, the uncle of the informant Shakroddin Musa Mansuri, Shivaji Sonwane, Yogesh Bhavsar etc. came there. They told applicant No.1 that they do not show their bullying power to them in their house. They said that the informant is daughter of their village and do not beat her. They rescued her. They said that unless she fetches an amount of Rs.10,00,000/- they will not leave her alive and went. The informant

made an application to the Women's Grievance Redressal Cell, Jalgaon. The applicants were called there but they did not turn there. Thereafter, the informant lodged the report against the applicants and other accused.

8. Learned advocate for the applicants submitted that vague and general allegations are made against the applicants, without specifying their individual role. The applicant No.2 is married sister-in-law of the informant and therefore, the question does not arise to make demand for amount of Rs.10,00,000/- for expansion of business. There is also delay in lodging the report. From the charge sheet, it appears that all the witnesses whose statements have been recorded are from the parental side of the informant. Such statements of the witnesses cannot establish that harassment and cruelty has been caused to the informant at the hands of the present applicants. He further submitted that the applicants have been implicated in the crime without any basis. Therefore, he prayed for quashing of the report as well as the consequential proceedings.

9. Learned A.P.P. for respondent No.1 State and learned advocate for respondent No.2 strongly opposed the application by submitting that the applicants have treated the informant with cruelty, physically as well as mentally. There was a demand of

Rs.10,00,000/- on the part of the applicants for expansion of the business of applicant No.1 and on account of non fulfillment of the said demand, the applicants have treated the informant with cruelty and has abused and beaten her. The applicants have caused harassment to the informant mentally as well as physically. The name of the applicants are mentioned in the report with specific roles attributed to them. They cannot be exonerated from the criminal liability under Sections 498-A, 406, 352, 323, 294 and 506 of the I.P.C. as well as Section 4 of the Muslim Women (Protection of Rights on Marriage) Act. It is lastly prayed to reject the application.

10. Here, it would be relevant to refer the authority in the case of ***Disha Kapoor Vs. State of Uttar Pradesh and others***, reported in, ***2025 SCC OnLine SC 1070***, in which the Honourable Supreme Court in paragraph No.2 held as under:-

"2. The learned Single Judge, before whom the petitioner appeared in person, quashed the proceedings initiated relying on *Preeti Gupta v. State of Jharkhand* which noted with anguish the rapidly increasing matrimonial litigations in the country roping in the close relatives of the husband and even members of the extended family, as in this case, on allegations of harassment. This requires the Courts to be doubly cautious and extremely careful in dealing with such complaints, especially since the ultimate object of justice is to find out the truth and not only to punish the guilty but also to protect the innocent. It was also

emphasised that in the event of the proceedings being found to be an abuse of process of Court, then necessarily the power under Section 482, Cr.P.C. should be invoked to secure the ends of justice."

11. We have perused the charge sheet, particularly the report and the statements of witnesses. There are allegations of demand of Rs.10,00,000/- and beating to the informant. There is no allegation of demand of Rs.10,00,000/- against applicant No.2. It establishes that there are serious allegations of cruelty against applicant No.1- the husband, which constitute essential ingredients of Sections 498-A of the I.P.C.

12. It is an admitted fact that after her marriage, applicant No.2 went with her husband at Bangalore. No doubt, there are serious allegations of demand for money, but prima facie, it appears that the demand was not made by applicant No.2 and general allegations are made against applicant No.2. No doubt, in the report there are serious allegations of harassment by beating and giving Talaq to the informant, which are punishable under section 4 of the Muslim Women (Protection of Rights on Marriage) Act, are made against applicant No.1.

13. In so far as applicant No.2 is concerned, though, it is alleged

that she was saying that the informant is not able to cook the foods properly and not able to wash the clothes and clean the utensils properly, the said allegations are vague and and general in nature. The allegations against applicant No.2 are that she harassed the informant on the count that the parents of the informant had given insufficient articles in the marriage and she used to insult her, even if they are taken as it is, prima facie, the same are of general nature. It is alleged that after the marriage of applicant No.2 in the year 2018, she used to come at her parental house and used to talk in rude manner with the informant, the allegations are not sufficient to establish the cruelty, as defined in Section 498-A of I.P.C. that cruelty coupled with demand or driving to commit suicide or danger to the life of the informant. On such general allegations asking applicant No.2 to face the trial would be an abuse of the process of the Court.

14. As held above, the allegations against applicant No.2 the essential ingredients for causing cruelty as defined under section 498-A of the I.P.C. are not establishing.

15. As far as the section 406 of the I.P.C. is concerned, the alleged ornaments are taken away by applicant No.1, as alleged by the informant, the essential ingredients of criminal breach of trust, as defined under Section 405 are not established against applicant

No.2. Further, the alleged assault is not establishing against applicant No.2, as defined under section 351 of the I.P.C. i.e. making any gesture or preparation intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault. The exception to the assault is that some words do not amount to assault. The gesture or preparation intending must be intentional and apprehend that the person who is about to use the criminal force but that essential ingredients are not establishing to attract section 352 of the I.P.C. against applicant No.2

16. The essential ingredients of section 323 of the I.P.C. i.e. voluntarily causing injury are not establishing against applicant No.2. The essential ingredients of Section 294 of the I.P.C. i.e. obscene acts are not done and songs are not sung, recited or uttered by applicant No.2, therefore, the essential ingredients of section 294 of the I.P.C. are not establishing against her.

17. As far as causing criminal intimidation as per Section 506 of the I.P.C. is concerned, from the report itself it appears that, there is no material to show that applicant No.2 threatened and caused injury to the informant's person, reputation or property with intention to

cause alarm to her. Thus, the essential ingredients of criminal intimidation as defined under section 503 of the I.P.C. punishable under Section 506 of the I.P.C. are not establishing against applicant No.2. Therefore, compelling applicant No.2 to face the trial, would be an abuse of process of the court. The case is made out for exercise of our extraordinary powers under section 482 of the Cr.P.C. We are therefore, inclined to allow the application of applicant No.2, in the interest of justice to prevent the abuse of process of the Court. Hence, the following order:-

O R D E R

- I. The application stands partly allowed.
- II. The application of applicant No.1 stands rejected.
- III. The F.I.R. vide C.R. No. 123 of 2021, dated 10.7.2021 registered with Mehunbare police station, District Jalgaon for the offences punishable under sections 498-A, 406, 352, 323, 294, 506 of the I.P.C. and Section 4 of Muslim Women (Protection of Rights on Marriage) Act, 2019 and the consequential criminal case bearing R.C.C. No. 3 of 2022 pending before the Judicial Magistrate, First Class, Chalisgaon, District Jalgaon, stand quashed and set aside as against applicant No.2.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)