



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

CRIMINAL APPLICATION NO. 1121 OF 2023

1. Minhajoddin s/o Murtaja Shaikh,
Age-31 yrs, Occ- Labour,
R/o. Near Almin School, Mahadeo Nagar,
T.V.C. Aland, Tq - Aland Dist.- Gulbarga.
2. Murtaja Khajasaab Shaikh,
Age-59 yrs, Occ- Labour,
R/o. Near Almin School, Mahadeo Nagar,
T.V.C. Aland, Tq - Aland Dist.- Gulbarga.
3. Mubina d/o Murtaja Shaikh,
Age- 26 yrs, Occ- Education & Hosehold,
R/o. Near Almin School, Mahadeo Nagar,
T.V.C. Aland, Tq - Aland Dist.- Gulbarga.
4. Iram @ Saba d/o Murtaja Shaikh,
Age-26 yrs, Occ- Education,
R/o. Near Almin School, Mahadeo Nagar,
T.V.C. Aland, Tq - Aland Dist.- Gulbarga.

... Applicants

Versus

1. The State of Maharashtra
Through Supt of police Latur.
2. The Officer in Charge,
Police Station, Killari
Tq.- Nilanga & Dist.- Latur.
3. Vasimabegum Nihajoddin Shaikh
Age-30 yrs, Ccc- Houshold,
R/o- Nanand, Tq-Nilanga, Dist.-Nanded.

... Respondents

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Mr. Nilkanth P. Bangar, Advocate for Applicants.
Mrs. P. R. Bharaswadkar, APP for Respondent Nos.1 and 2.
Mr. Dinkar G. Kamble, Advocate for Respondent No.3.
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CORAM : **SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 08th July, 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 R.C.C. No.49 of 2023, pending before the Court of the learned Judicial Magistrate First Class, AUSA, District Latur. The proceedings arise out of FIR bearing Crime No.268 of 2022, dated 3rd December, 2022, registered with Killari Police Station, District Latur, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 (for short "the IPC").

3 When this Court expressed disinclination to grant the relief of quashing the report as well as the proceedings to applicant No.1, the learned counsel for the applicants, on instructions, sought leave to

withdraw his application. Leave is granted.

4 The applicant No.2 is the father-in-law of respondent No.3 / informant. Applicant Nos.3 and 4 are sisters-in-law of the informant.

5 Respondent No.3 / informant averred in the report that she married with the son of applicant No.2 on 12th June, 2019, as per Muslim customs and traditions. In her marriage, her parents gave Rs.25,000/- in cash, 1.5 tolas of gold, and household articles. From the said wedlock, she has one daughter named Madina and one son named Hasnain. After the marriage, she was cohabiting with her husband and the applicants. Initially, for about two months, she was treated properly. Thereafter, her husband and the applicants started to abuse her over petty household matters and mentally harassed her by taunting that her parents did not give sufficient dowry or respect during the marriage. They beat her and kept her starved. The applicant Nos.2 to 4 used to instigate her husband.

6 The informant further averred that the applicants started to demand Rs.2,00,000/- from her for the construction of a house. When she expressed her inability to fulfill such demand due to the poor financial condition of her parents, the applicants abused her, beat her,

and warned her that if she did not bring Rs.2,00,000/- from her parental home, she would not be allowed to stay in the matrimonial house. On 5th March, 2022, her husband and the applicants forcibly drove her out of the house alongwith her children. Therefore, she returned to her parental home. After staying at her parental home for about three to four months, her husband and the applicants visited her parents' residence and assured her, in the presence of her relatives Nafisa Dildarkhan Pathan (sister), Dildarkha Bashakhan Pathan (brother-in-law) and others, that she would be treated well. Therefore, she returned to her matrimonial home. For about one to two months, her husband and the applicants behaved properly. However, on 30th April, 2022, her husband and the applicants again started to harassing her, abused her and once again demanded Rs.2,00,000/- for construction of the house. She was again driven out of the house alongwith her children.

7 The informant further averred that on 21st June, 2022, her husband and applicants No.2 and 3 came to her parental house and abused her. They assaulted her with kicks and fists blows and threatened to kill her, if she refused to return to Aland immediately. As the harassment and cruelty at the hands of the applicants and her husband continued, the informant submitted a complaint against her husband at the Women's Counseling Centre, Latur. Her husband

refused to take the informant back or cohabit with her. Therefore, she lodged the report.

8 The learned advocates for the applicants submitted that applicant Nos.2 to 4 are falsely implicated in the crime. False allegations of treating the informant with cruelty have been made against them. There is no cogent and acceptable evidence against them. Only vague and general allegations have been made against them. He lastly prayed to allow the application.

9 The learned APP for the State and the learned counsel for respondent No.3 / informant strongly opposed the application and submitted that the applicants are involved in a serious crime. Their names are mentioned in the report. They treated informant with cruelty and they have committed an anti-social crime. They lastly prayed to reject the application.

10 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....”

11 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.”

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

13 The application of applicant No.1 is withdrawn. So far as applicant Nos.2 to 4 are concerned, general and vague allegations are made against them to the effect that they were harassing the informant and demanding Rs.2,00,000/- for construction of house. They are implicated in the crime only because they are relatives of the husband of informant. The essential ingredients of Sections 498-A, 323, 504 and 506 of the IPC are not established against them. If the entire material is considered together, then it would certainly be an abuse of the process of the Court, if applicant Nos.2 to 4 are directed to face the trial. We are, therefore, inclined to allow the application to the extent of applicant Nos.2 to 4, 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 Nos.2 to 4. Hence, the following order:-

ORDER

- I. The application is partly allowed.
- II. The application of applicant No.1 stands dismissed as withdrawn.
- III. The proceedings in R.C.C. No.49 of 2023, pending in the Court of learned Judicial Magistrate First Class, Ausa, District Latur, arising out of FIR bearing Crime No.268 of 2022, dated 3rd December, 2022, registered

with Killari Police Station, District Latur, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, stands quashed to the extent of applicant Nos.2 to 4 only.

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