



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 1579 OF 2024**

1. Karimunnisa Yunus Sayyad  
Age : 61 Years, Occu. : Housewife,  
R/o. Krushi Vidyalay Road, Pachod Bk.  
Tq. Paithan, Dist. Aurangabad.
2. Yunus Bandeali Sayyad  
Age : 62 Years, Occu. : Business,  
R/o. Krushi Vidyalay Road, Pachod Bk.  
Tq. Paithan, Dist. Aurangabad.
3. Mukhtar Yunus Sayyad  
Age : 33 Years, Occu. : Business,  
R/o. Krushi Vidyalay Road, Pachod Bk.  
Tq. Paithan, Dist. Aurangabad.
4. Nisar Yunus Sayyad  
Age : 27 Years, Occu. : Business,  
R/o. Krushi Vidyalay Road, Pachod Bk.  
Tq. Paithan, Dist. Aurangabad.
5. Masarat Affan Mahfooz  
Age : 29 Years, Occu. : Housewife,  
R/o. 1.7.1005, Near Meraj Masjid,  
New Shahinsha Nagar, Beed.
6. Ishrat Afroz Shaikh  
Age : 30 Years, Occu. : Housewife,  
R/o. Shikshak Colony, Shivajinagar,  
Pachod Bk. Tq. Paithan,  
Dist. Aurangabad.
7. Afroz Abdulla Shaikh  
Age : 43 Years, Occu. : Business,  
R/o. Shikshak Colony, Shivajinagar,  
Pachod Bk. Tq. Paithan,  
Dist. Aurangabad.

**.... Applicants**

**VERSUS**

1. The State of Maharashtra  
Through the Officer Incharge,  
Pachod Police Station,  
Dist. Aurangabad.
2. Ashiya W/o. Imran Sayyad  
Age : 36 Years, Occu. : Household,  
R/o. Ekta Nagar, Opposite Aksa Masjid,  
Pachod, Tq. Paithan, Dist. Aurangabad.

.... Respondents

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Advocate for Applicants : Mr. Krishna P. Rodge

APP for Respondent No.1-State : Mrs. P.R. Bharaswadkar

Advocate for Respondent No.2 : Mr. Sayyed Tauseef Yaseen (**Absent**)

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

**Dated : 21<sup>st</sup> March 2025**

**ORDER [PER SANJAY A. DESHMUKH, J.] :-**

1. This is an application for quashing the First Information Report (for short “the F.I.R.”) and charge-sheet in R.C.C. No.486 of 2023, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Paithan, Dist. Aurangabad, arising out of Crime bearing No.0047 of 2023, registered at Pachod Police Station, Dist. Chhatrapati Sambhajinagar (Rural) dated 20.02.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”).

2. Learned Advocate for the applicants pointed out the report dated 20.02.2023, in which respondent No.2/informant averred that applicant No.1 is her mother-in-law, applicant No.2 is her father-in-law, applicant Nos.3 and 4 are her brothers-in-law, applicant Nos.5 and 6 are her sisters-in-law and applicant No.7 is the husband of applicant No.6.

3. The informant further averred in her report that, she married with the son of applicant Nos.1 and 2 viz. Imran Yunus Sayyad in the year 2008. She begotten three daughters and three sons. Initially, for one month, she was treated well. Thereafter, all the applicants and her husband started to harass her. They demanded Rs.2 Lakhs for purchasing the articles for cutlery shop. She said that her parents are not having that amount. However, the applicants were not convinced. They abused her and beaten her. She called her parents by making phone call to them. Her parents, maternal uncle and grandfather came there. They tried to convince the applicants and her husband. But the applicants and her husband abused and also pushed them. They threatened to kill them. That time, they told them not to come to their house henceforth. Therefore, she came to her parents house. She stayed there for two to three months. Thereafter, on 18.11.2022, she filed a complaint at Women Grievance Redressal

Cell, Aurangabad, but compromise between them did not take place. Therefore, she lodged the report against the applicants and her husband.

4. Learned Advocate for the applicants submitted that the applicants are falsely implicated in the crime. The vague allegations are made against the applicants. The applicants have never treated the informant with cruelty. No specific incident is stated by the informant as to when the applicants and her husband demanded Rs.2 Lakhs to her. In respect of the allegations of abusing and threatening to kill the relatives of the informant, no specific date, time and place are stated by the informant in the report and witnesses in their statements as to when that happened. The essential ingredients of Sections 498-A, 323, 504, 506 of I.P.C. are not establishing against the applicants from the report and statements of witnesses. It is lastly prayed to allow the application by quashing the report and charge-sheet filed against the applicants.

5. Learned APP for the State strongly opposed the application and submitted that there is a strong evidence of cruelty against the applicants. Their names are mentioned in the F.I.R. All the applicants treated the informant with cruelty by making illegal demand of money of Rs.2 Lakhs, abusing and beating her and caused

physical and mental cruelty to her. They compelled her to reside with her parents. There is a strong evidence of cruelty against the applicants supported by evidence of witnesses. It is lastly prayed to reject the application.

6. In the context of this case, it would be relevant to refer the following case laws :

i) ***Mohammad Wajid and Another Vs. State of U.P. and Another, reported in 2023 SCC Online SC 951; 2023 INSC 683,*** wherein the Hon'ble Supreme Court has laid down the law as follows :-

*“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....”*

ii) ***CBI vs. Aryan Singh, reported in 2023 SCC Online SC***

**379**, in which the Hon'ble Supreme Court has held as follows :-

*“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 of Cr.P.C., the Court is not required to conduct the mini trial.”*

iii) ***Kim Wansoo Vs. State of Uttar Pradesh & Ors., reported in 2025 SCC Online SC 17***, wherein the Hon'ble Supreme Court, in para.9 of the judgment, has held as under :

*“9. In State of A.P. v. Golconda Linga Swamy, this Court again held that where an FIR did not disclose the commission of an offence without anything being added or subtracted from the recitals thereof, the said FIR could be quashed.*

7. We have perused the charge-sheet, particularly report and statements of witnesses. In the statements of witnesses, they have stated that the informant was harassed for Rs. 2 Lakhs, which was demanded by her husband and the applicants for purchasing cutlery articles. When the informant told them that the said amount was not with her parents, the applicants started to harass her. Therefore, the report is lodged against the applicants.

8. No specific incident is stated as to when all the applicants gathered and demanded that amount of Rs.2 Lakhs. Applicant No.5/sister-in-law is residing at Beed and applicant No.6 is residing with her husband at Pachod Bk., Tq. Paithan, Dist. Aurangabad. When did they come to harass and ill-treat the informant has not been stated specifically either in the report or in the charge-sheet. The role of each of the applicant is not specifically stated as to when they treated the informant with cruelty by demanding Rs.2 Lakhs. Though the allegations of harassment on account of Rs.2 Lakhs are made, those are general allegations and those are not specific as to how and when the applicants harassed the informant by demanding Rs.2 Lakhs. Mere mentioning the names of the applicants in the F.I.R. are not sufficient. The allegations of demanding of Rs.2 Lakhs are made against the husband of the informant. Though the last incident is stated, it is not clear as to when it took place with her parents and relatives when they came there to convince the applicants and husband of the informant. There are serious allegations against the husband of the informant. He is not a party in this proceeding.

9. Considering all these facts and circumstances of the case, the above reasons and ratio laid down in above authorities, we are of the view that, the essential ingredients of Sections 498-A, 323, 504,

506 of I.P.C. are not establishing against these applicants. If the applicants are compelled to face the trial, it would certainly be an abuse of process of Court. We are, therefore, inclined to allow the application by invoking our inherent powers under Section 482 of Cr.P.C. in the interest of justice to prevent the abuse of process of Court. The application deserves to be allowed. Hence, the following order.

**ORDER**

- I) The application stands allowed.
- II) The First Information Report and charge-sheet in R.C.C. No.486 of 2023, pending before the learned Judicial Magistrate First Class, Paithan, Dist. Aurangabad, arising out of Crime bearing No.0047 of 2023, registered at Pachod Police Station, Dist. Chhatrapati Sambhajnagar (Rural) dated 20.02.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against the applicants.

[ SANJAY A. DESHMUKH ]  
JUDGE

[ SMT. VIBHA KANKANWADI ]  
JUDGE