



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

**CRIMINAL APPLICATION NO. 2103 OF 2024**

1. Shahida Begum Zahuru Haque  
Age : 48 yrs, Occu: Nil
  2. Zahuru Haque Rauful Haque  
Age : 61 yrs, Occu : Nil  
Both R/o.Azad Corner, Near Bhaji Market  
Gadi Mohalla, Parbhani  
Tq. & Dist. Parbhani
- ...Applicants

-VERSUS-

1. The State of Maharashtra  
Through Police Station Officer,  
Begumpura Police Station,  
Tq. & District: Aurangabad
  2. Khudeja Fatema Saddam Noorul Haq  
Age : 28 years Occu : Service,  
R/o. Plot No.15, Chause Colony,  
Uddhavrao Patil Chowk, Himayat Baug,  
Dilli Gate, Aurangabad Dist. Aurangabad
- ...Respondents

...

Advocate for Applicants : Mr. Azizoddin R. Syed  
A.P.P for Respondent/State : Mr. S. A. Gaikwad  
Advocate for Respondent No.2 : Mr. Shaikh Altamash Abdul Latif

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

**DATED : 27.03.2025**

**JUDGMENT (PER ROHIT W. JOSHI, J.) :**

1. The present application is filed under Section 482 of the Code of

Criminal Procedure, 1973 *inter alia* challenging FIR No.163 of 2022 registered with Begumpura Police Station, Aurangabad, Dist. Aurangabad on 19.09.2022 for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the IPC”) and under Section 4 of Muslim Women (Protection of Rights on Marriage) Act along with Regular Criminal Case No.2724 of 2022 pending on the file of learned Judicial Magistrate First Class, Aurangabad.

2. Respondent No.2 is the informant. Applicant No.1 is mother-in-law and applicant no.2 is the father-in-law of respondent no.2.

3. Perusal of the FIR indicates that the marriage of respondent no.2 with accused no.1 i.e. son of applicants was solemnized on 08.11.2019. They are blessed with a boy namely Eliyas. Presently respondent no.2 and her son are residing with her parents. Respondent no.2 has stated that she and her son residing with her parents since 12.07.2022. She claims that for a period of 2-3 months after her marriage she was treated well, however, from 11.00 am of 12.02.2020 the in-laws started ill treating her stating that her father has not honoured them in her marriage and if she wants to stay in matrimonial house she should bring Rs.5,00,000/-. She also alleges that applicants and other accused

persons abused and beat her because she has not fulfilled such demand of dowry. It is further alleged that on 15.02.2020 the husband of respondent no.2 pronounced triple talak for performing second marriage and insisted that since the relationship was over, she should leave her matrimonial house, however she refused to leave the house, respondent no.2 dragged out her from matrimonial house. Thereafter, on 12.07.2022 respondent No.2 made complaint against her in-laws in Women Redressal Cell. That time, her husband had shown his inclination to cohabit but thereafter he did not turn up on the next date.

4. As per the FIR, the principal allegations are against accused no.1/husband. She has alleged that he had pronounced triple Talak on 15.05.2020 and had forced respondent No.2 to leave the matrimonial house. As regards the present applicants they are parents of the accused no.1/ husband of respondent no.2. It is stated that they have not paid attention as elderly persons. Perusal of the FIR demonstrates that apart from the husband, parents-in-law, sister-in-law and her husband are also arrayed as accused. Respondent No.2 has leveled omnibus allegations against the present applicants and accused Nos.4 and 5 i.e. sister-in-law and her husband. The allegations are absolutely vague.

Leave alone the date, time and other such specific particulars, even the tentative period of ill-treatment and harassment and alleged demand of dowry of Rs.5,00,000/- is not mentioned in the FIR. The present case is yet another example of over implication. The parents-in-law are unnecessarily implicated. Allegations against the Accused Nos.2 and 3 do not attract ingredients of Section 498-A of IPC. In such circumstances, it will be absolutely unjust to force applicant Nos.1 and 2 to face the rigors of criminal prosecution. Continuation of proceedings against them will amount to abuse of the legal process. In that view of the matter application is allowed.

5. Hence, we pass the following order.

### **ORDER**

- (i) The application is allowed with respect to applicant no.1- Shahida Begum Zahuru Haque, applicant no.2- Zahuru Haque Raiful Haqueand.
- (ii) FIR No.163 of 2022 registered with Begumpura Police Station, Aurangabad, Dist. Aurangabad on 19.09.2022 for the offences punishable under Section 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the IPC”) and under Section 4 of Muslim Women (Protection

of Rights on Marriage) Act along with Regular Criminal Case No.2724 of 2022 pending on the file of learned Judicial Magistrate First Class, Aurangabad are hereby quashed and set aside.

(iii) Application stands disposed of.

**[ROHIT W. JOSHI]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**

*Narwade*