



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2110 OF 2023

1. Shahid Khan Asif Khan Pathan (withdrawn)
 2. Asif Khan Mehtab Khan
 3. Nasreen Begum w/o Asif Khan
 4. Shoaib Asif Khan Pathan
 5. Jabeen w/o Sajid Khan
 6. Sajid Mustufa Khan Pathan
- ...Applicants

versus

1. The State of Maharashtra
 2. Hajara Begum w/o Shahid Khan
- ...Respondents

.....
Mr. Moinpasha Shaikh Farid, advocate for the applicants
Ms. Rashmi P. Gour, A.P.P. for respondent No.1
Mr. Shaikh Mohammad Naseer, advocate for respondent No.2
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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 7th FEBRUARY, 2025**

PER COURT (PER SANJAY A. DESHMUKH, J.):

1. This court, by an order dated 17.07.2023 has disposed of the application to the extent of applicant No.1 as withdrawn, now this application is restricted to the extent of applicant Nos. 2 to 6.

2. By way of this application, filed under Section 482 of the Code of Criminal Procedure, 1973, applicant Nos.2 to 6 are seeking quashing of F.I.R. No. 221 of 2023, dated 27.4.2023, registered with Bhokardan police station, district Jalna, for the offences punishable

under sections 323, 504, 506, 498-A r.w. 34 of 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. 117 of 2024, pending before the Judicial Magistrate, First Class, Bhokardan.

3. Learned advocate for the applicants pointed out the report, in which it is alleged that, the marriage of the informant Hajara Begum took place with accused No.1 Shahid Khan on 05.08.2021. Out of the said wedlock, the couple was blessed with one baby girl, aged 9 months. It is alleged that after marriage, for 15 days, she was treated well by her in-laws. Thereafter, the applicants and the husband of informant started harassing her mentally as well as physically. The husband of the informant used to ask the informant to bring an amount of Rs.10,00,000/- from her parents for purchase of plot. He also used to beat her by fist and kick blows on account of non fulfillment of the said demand. Even the husband of the informant on 25.04.2023, at about 2.30 p.m. to 3.00 p.m., at the parental house of the informant, in presence of her brother, maternal uncle, uncle, has given her *Talaq* and threatened her that he will perform a second marriage. It is with these allegations, the informant has lodged the report.

4. Learned advocate for the applicants submits that there are

no specific allegations against the present applicants. All these applicants are relatives and there is no evidence against them. The applicants are residing at different places. He further submits that the applicants have been falsely implicated in the crime. Based on these omnibus and baseless allegations, asking the applicants to face the trial, would be an abuse of process of court. Therefore, he prayed to quash the report as well as the charge sheet.

5. Learned A.P.P. for respondent No.1 State strongly opposed the application by submitting that the applicants have treated the informant with cruelty, physically as well as mentally. Even there was demand of money for purchase of plot. The names of the applicants are mentioned in the report with their specific role. They cannot be exonerated from the criminal liability. It is lastly prayed to reject the application.

6. Learned advocate for respondent No.2-informant submits that the names of the applicants are mentioned in the report. On account of non fulfillment of demand of money, the applicants used to ill-treat the informant and even used to beat her by fist and kick blows. The applicants have treated the informant with cruelty, which constitute the offences as referred in the report. Learned advocate for respondent No.2 prayed to reject the application.

7. Perused the F.I.R. and the charge sheet. From the report, it is clear that there was no harassment at the hands of the applicants. All these applicants are residing at different places and they have been implicated in the crime only with an intention to cause harassment to them. It further appears that even accused No.1 (husband) has filed civil suit No. 17 of 2023 in the court of Civil Judge, J.D. at Bhokardan under Section 281(1) of Mohammedan Law for restitution of conjugal rights and the same is pending for adjudication. In so far as the present applicants are concerned, the allegations made against them are vague and general in nature. No specific nature of allegations are made against the applicants so as to constitute offences which are invoked against them. In such circumstances, if the applicants are compelled to face the trial, it would be certainly an abuse of process of court. Therefore, we are inclined to allow the application to the extent of applicant No.2 to 6. Hence, we pass the following order:-

O R D E R

- I. The application is allowed.
- II. The F.I.R. No. 221 of 2023, dated 27.4.2023, registered with Bhokardan police station, district Jalna, for the

offences punishable under sections 323, 504, 506, 498-A r.w. 34 of 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. 117 of 2024 pending before the Judicial Magistrate, First Class, Bhokardan, are quashed to the extent of applicant Nos.2 to 6 herein.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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