



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2988 OF 2024

1. Wasim Razak @ Rajmohammad Bhagwan,
2. Razak @ Rajmohammad S/o Hasan Bhagwan,
3. Shahenaj W/o Razak @ Rajmohammad Bhagwan
(application withdrawn in respect of applicant Nos.1 to 3
vide order dated 08.08.2024)
4. Durreshahewar @ Soni D/o Rajmohammad Bagwan
5. Mubina D/o Rajmohammad Bagwan,
6. Heena D/o Rajmohammad Bagwan,
7. Sherali @ Aali S/o Rajmohammad Bagwan **.. Applicants**

Versus

1. The State of Maharashtra,
Through the Police Station Officer,
Gondi Police Station Gondi, District Jalna.
2. Mrs. Heen Waseem Bagwan, **.. Respondents**

...
Mr. S. R. Shirsat, Advocate for the applicants.
Mr. S. A. Gaikwad, APP for respondent No.1/State.
Mrs. P. S. Ingle, Advocate for respondent No.2 (Appointed).
...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 24 SEPTEMBER 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present application has been filed for quashing The FIR vide
Crime No.149 of 2024 registered with Gondi Police Station, District Jalna
for the offences punishable under Sections 498-A, 323, 504, 506 read

with Section 34 of Indian Penal Code, under Sections 3 and 4 of the Dowry Prohibition Act.

2. Heard learned Advocate Mr. S. R. Shirsat for the applicants, learned APP Mr. S. A. Gaikwad for respondent No.1/State and learned Advocate Ms. P. S. Ingle, who is appointed for respondent No.2. In order to cut short, it can be said that all of them have made submissions in support of their respective contentions.

3. It will not be out of place to mention here that on 08.08.2024, when this Court expressed its disinclination to grant any relief in favour of applicant Nos.1 to 3, learned Advocate for the applicants, upon instructions, sought withdrawal of the application in respect of applicant Nos.1 to 3. Accordingly, the application stood disposed of as withdrawn as against applicant Nos.1 to 3. Matter is proceeded for the reliefs claimed on behalf of applicant Nos.4 to 7.

4. Respondent No.2/informant in her FIR stated that she got married with applicant No.1 on 04.06.2021. She was treated properly for about 6-7 months. Thereafter, all the accused persons started harassing her. It is stated that they used to abuse her and assault her for domestic reasons. It is further stated that present applicants abused her and drove her from the house and thereafter, her parents, brother and other relatives intervened and convinced her husband and in-laws and sent

her back to her matrimonial home for cohabitation. It is further stated that the applicants also threatened her to bring amount of Rs.5,00,000/- for purchasing an Eicher truck or otherwise they will not treat her well or they will kill her. Thereafter, the applicants abused and assaulted her with fists and blows and kept her starved. On the basis of said allegation, the FIR has been lodged against the accused persons.

5. At the outset, it is to be noted that the marriage between applicant No.1 and respondent No.2 was solemnized on 04.06.2021. Applicant No.1 is the husband. Applicant Nos.2 and 3 are father-in-law and mother-in-law. Applicant Nos.4 to 6 are sisters-in-law and applicant No.7 is the brother-in-law of respondent No.2. In the entire FIR, there is absolutely no mention as to whether applicant No.4, who is the married sisters-in-law, used to visit the matrimonial home of respondent No.2. The allegations against applicant Nos.4 to 7 are omnibus and appears to be with an intention to rope all the family members. It is stated that the harassment is started after 6-7 months of marriage. She states that she informed about the treatment given by the applicants to her parents, who had then intervened and convinced her husband and in-laws and sent her back to her matrimonial home for cohabitation. It appears that no specific role has been attributed to applicant Nos.4 to 7. It appears that those allegations are just to rope all the family members with ulterior motive and, therefore, it would be an abuse of process of law to ask

these persons to face the trial and therefore, case is made out for exercise of powers under Section 482 of the Code of Criminal Procedure. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The FIR vide Crime No.149 of 2024 registered with Gondi Police Station, District Jalna for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code, under Sections 3 and 4 of the Dowry Prohibition Act, stands quashed and set aside as against the present applicant Nos.4 to 7.

**[HITEN S. VENEGAVKAR]
JUDGE**

**[SMT. VIBHA KANKANWADI]
JUDGE**

scm