



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4050 OF 2024

1. Mirza Khalid Baig S/o
Mirza Sujat Baig
Age: 48 years,
Occu: Medical Practitioner
(at present bed ridden)
R/o: Near Balbhim Chowk, Beed,
TQ- & Dist- Beed.
2. Akhtar Sultana W/o Mirza Shujat Baig
Age-62 Years, Occ- Household,
R/o as above.
3. Mirza Mujahid Baig
S/o Mirza Shujat Baig
Age-48 Years, Occ- Medical Practitioner,
R/o: Street No. 13, Near Saeeda Masjid,
Rahemaniya Colony, Jaswantpura,
Chh. Sambhajinagar (Aurangabad).
4. Mirza Asmatara Anjum
D/o Mirza Shujat Baig
Age-37 Years, Occ- Medical Practitioner,
R/o: R/o: Near Balbhim Chowk, Beed,
TQ- & Dist- Beed.
5. Humeraara Anjum
D/o Mirza Shujat Baig
Age-46 Years, Occ- Household,
R/o Balbhim Chowk, Beed,
Tq- & Dist- Beed.
6. Ahmed Baig
S/o Mujahid Baig
Age-18 Years, Occ- Education,
R/o Balbhim Chowk,

Beed, Tq- & Dist- Beed.

7. Husna Asmatara
D/o Mirza Shujat Baig
Age-44 Years, Occ- Household,
R/o Plot No. 75, Times Colony,
Aurangabad, Tq- & Dist- Aurangabad.
8. Sarvatara Anjum
D/o Mirza Shujat Baig
Age-43 Years, Occ- Service,
R/o: Times Colony, Aurangabad,
Tq- & Dist- Aurangabad.

...APPLICANTS

-VERSUS-

Fouziya Mariyam
W/o Mirza Khalid Baig
Age-39 Years, Occ- Household,
R/o Labour Colony, Nanded,
Tq- & Dist- Nanded.

...RESPONDENT

WITH
CRIMINAL APPLICATION NO.2666 OF 2025

1. Mirza Khalid Baig
S/o Mirza Shujat Baig,
Age: 48 years,
Occu: Medical Practitioner.
2. Akhtar Sultana
W/o Mirza Shujat Baig,
Age: 79 years, Occu: Household.
Both R/o: Near Balbhim Chowk, Beed.

...APPLICANTS

- VERSUS -

Fouziya Mariyyam

W/o Mirza Khalid Baig,
Age: 39 Years, Occ: Household,
R/o: C/o: Imran Mujeeb Pasha,
Opposite Hanuman Mandir, Shivajinagar,
Nanded Tq & Dist: Nanded.

...RESPONDENT

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Shri G.R. Syed, Advocate for the applicants.
Shri Rahil R. Kazi, Advocate for the sole respondent.

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CORAM : SUSHIL M. GHODESWAR, J.

Reserved on : 15 December 2025

Pronounced on : 19 December 2025

JUDGMENT :-

1. As both these applications arise from the matrimonial dispute between applicant No.1/ husband (Mirza Khalid Baig) and the sole respondent/ wife (Fouziya Mariyam Baig), they are being decided by this common judgment.

2. Criminal Application No.4050/2024 is filed by the applicants for quashing the criminal proceedings bearing PWDVA No.79/2023 pending on the file of the learned Judicial Magistrate First Class, Nanded, filed by the respondent/wife. Criminal Application No.2666/2025 is filed by the applicants for transferring RCC No.1627/2024 pending on the file of the learned JMFC, Nanded, to the Court of the learned JMFC, Beed.

3. In Criminal Application No.4050/2024, applicant No.1 is the husband of the sole respondent, whereas, applicant No.2 is mother of the husband, applicant No.3 is brother, applicant Nos.4 and 5 are sisters, applicant No.6 is the son of applicant No.3, applicant Nos.7 and 8 are married sisters of applicant No.1/ husband. In Criminal Application No.2666/2025, applicant No.1 is the husband of the sole respondent and applicant No.2 is the mother of husband.

4. According to the applicants, the marriage of applicant No.1 and the respondent took place on 18.01.2021 and it is the second marriage of applicant No.1. The husband was required to perform the second marriage on account of death of first wife in Covid-19 pandemic and he is having two children from the first marriage. Sole purpose of marrying the respondent/ wife was to take proper care and nourishment of girls born out of the first marriage. On 08.11.2021, the husband suffered an accident and he was hospitalized for about two months. Though he survived, however, he suffered various ailments and as a result, he is bedridden. However, on 13.06.2023, the respondent/ wife has filed the criminal proceedings bearing PWDVA

No.79/2023 before the learned JMFC at Nanded with sole intention to harass the husband and his relatives.

5. According to the applicants, on 18.08.2023 the respondent/ wife has also filed FIR bearing Crime No.272/2023 with Shivajinagar Police Station, Nanded, for the offences punishable under Sections 498-A, 294, 323, 506 and 34 of the Indian Penal Code. After investigation, the charge sheet came to be filed and the case is registered as R.C.C. No.1627/2024 before the learned JMFC at Nanded.

6. I have heard the learned advocates for the respective sides and with their assistance, I have gone through the contents of the PWDVA proceedings. During the course of hearing, when I was not inclined to entertain Criminal Application No.4050/2024 in respect of applicant No.1/husband, the learned advocate for the applicants sought permission to withdraw the application to the extent of applicant No.1.

7. After going through the PWDVA proceedings, it is revealed that the respondent/ wife has levelled allegations against all in-laws in general and omnibus manner, so as to harass them. It is pointed out that after filing of PWDVA proceedings, the

respondent has also filed FIR bearing Crime No.272/2023 with the Shivajinagar Police Station, Nanded, for the offences punishable under Section 498-A, 294, 323, 506 and 34 of the Indian Penal Code and the said proceedings are culminated in RCC No.1627/2024. The Division Bench of this Court vide order dated 13.06.2025 passed in Criminal Application No.4000/2024 (*Mirza Khalid Baig and others vs. The State of Maharashtra and another*), quashed the said FIR as well as RCC No.1627/2024 to the extent of other applicants, excluding the husband and mother-in-law.

8. Upon a specific query to the learned advocate for the respondent as to whether, the allegations, which are levelled by the respondent/ wife in the PWDVA proceedings, are same as that of the allegations in the FIR, the learned advocate fairly conceded that the said allegations do not find place in the FIR, which was lodged subsequently. It is, therefore, clear that the allegations as regards harassment and mental torture have not been reported to the police though the FIR was filed subsequently.

9. However, the learned advocate for the respondent

tried to justify that there are allegations against all the applicants, therefore, the proceedings may not be quashed and set aside. The learned advocate has taken me through all paragraphs of the PWDVA complaint and stated that the respondent/ wife has sufficiently quoted specific events and instances as regards harassment meted out to her.

10. The learned advocate for the applicants has, however, invited attention of this Court to the prayers of PWDVA proceedings. According to him, the respondent/ wife has claimed maintenance. Even if the PWDVA complaint is to be considered positively, the fact remains that the maintenance would be payable, if any, by the applicant/ husband alone and not by other applicants. Therefore, there is no hurdle in quashing the proceedings against other applicants.

11. In view of the above discussion, I am of the view that the case is made out for quashing the proceedings against the applicants excluding applicant No.1/husband.

12. As regards Criminal Application No.2666/2025, the learned advocate for the applicants submitted that applicant No.1/ husband is virtually bedridden and he has also annexed

medical papers. In view of his ailment, it is impossible for applicant No.1/husband to attend the Court at Nanded from Beed.

13. On the contrary, the learned advocate for the respondent/wife, also filed certain documents to suggest that the respondent is also suffering from major disease and, therefore, it is also not possible for her to travel to Beed from Nanded.

14. On perusal of the medical papers, it is revealed that the respondent/wife is advised by the doctors to do PET CT scan and biopsy.

15. Considering the above and since both the husband and wife have serious medical issues, instead of transferring the case, it would be appropriate if they are allowed to avail the video conferencing facility for the purpose of attending the court.

16. Hence, the following order:-

(a) Criminal Application No.4050/2024 is partly allowed and the proceedings bearing PWDVA No.79/2023 pending on the file of the learned JMFC, Nanded, are quashed and set aside to the extent of applicant Nos.2 to 8. Accordingly,

Criminal Application No.4050/2024 is dismissed as withdrawn to the extent of applicant No.1/husband.

(b) Criminal Application No.2666/2025 is partly allowed. The applicants are permitted to attend the proceedings bearing RCC No.1627/2024 pending on the file of the learned JMFC, Nanded, through video conferencing facility. The concerned JMFC Courts at Nanded and Beed shall make appropriate arrangement if the parties approach for availing video conferencing facility. Exemption application, if any filed, shall be considered sympathetically and the Court shall not insist for presence of the parties except needed and if possible, evidence may also be recorded through video conferencing.

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(SUSHIL M. GHODESWAR, J.)