



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3163 OF 2024

1. Tabrej s/o Hamid Shaikh
Age 29 years, Occ. Labour
R/o. Dhoraj Nagar, Takadgaon Road
Georai, Tq. Georai,
district Beed
(husband) (withdrawn)
2. Hamid s/o Yusuf Shaikh
Age 53 years, Occ. Labour
R/o. As above
(father in law) (withdrawn)
3. Banobi w/o Hamid Shaikh
Age 50 years, Occ. Household
R/o. As above
(mother in law) (withdrawn)
4. Sameer s/o Hamid Shaikh
Age 27 years Occ. Education
R/o. As above
(brother in law)
5. Sultana w/o Najib Khan
Age 31 years, Occ. Household
R/o. Alamgir Nagar, Ahmednagar
Tq. And district Ahmednagar
(sister in law)

....Applicants

Versus

1. The State of Maharashtra
Through Police Inspector
Pimpalner Police Station,
Tq. & Dist. Beed
2. Muskan w/o Tabrej Shaikh
Age 22 years, Occ. Household
R/o. Dhoraj Nagar, Takadgaon Road
Georai, Tq. Georai, Dist. Beed
At present Dahifal,

Tq. And district Beed.

...Respondents

.....
Mr. A.R. Gaikwad, Advocate for the applicants
Mrs. P.R. Bharaswadkar, A.P.P. for the respondent No.1
Ms. Tanvi V. Jadhav, Advocate for respondent No.2.
.....

**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 16th JULY, 2025**

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard learned advocates for the respective parties.
2. This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing the F.I.R. No. 137 of 2024 registered with Pimpalner Police Station Tq. and district Beed for the offences punishable under Sections 498-A, 323, 504 and 506 r.w. 34 of the Indian Penal Code, 1860 (for short "the I.P.C.") and the consequential criminal case bearing R.C.C. No. 724 of 2024 pending before the learned Judicial Magistrate First Class, Beed, district Beed.
3. After hearing for some time, when this court showed disinclination to grant relief to applicant Nos.1 to 3, learned advocate for the applicants, on instructions, seeks leave to withdraw the application of applicant Nos.1 to 3. Leave granted. The application to the extent of applicant Nos.1 to 3 stands dismissed as withdrawn.

Hence, this application is being considered to the extent of applicant Nos. 4 and 5.

4. The informant averred in the report that applicant No. 4 is her brother-in-law and applicant No.5 is her sister-in-law.

5. The informant further averred in the report that she married with the brother of the applicants on 06.03.2022 as per Muslim rituals. Initially for six months she was treated well. Thereafter, the applicants and other accused persons started demanding Rs.10,00,000/- for purchasing Scorpio vehicle. She said that her parents are poor and they are not able to pay that much amount. The applicants and other accused were abusing and keeping her on starvation. They used to beat her with fist and kick blows. The informant thereafter communicated her parents that the applicants and co-accused are demanding Rs.10,00,000/- for purchase of vehicle and they used to say that they will allow her to cohabit only after providing the said amount. Her father then paid Rs.4,50,000/- to her husband for purchasing of Scorpio vehicle. Thereafter she was allowed to cohabit with her husband. Accordingly, she was sent back for cohabitation. Thereafter for some days she was treated well. She begot a daughter namely Rifa on 21.3.2023. After one month of birth of daughter Rifa, the applicants and co-accused started to harass the

informant by saying that they were expecting a boy. However, she begot a daughter. They were frequently abusing her. On 25.5.2023, she was expelled from the house with her daughter since then she is residing with her parents. On 28.5.2024, she lodged the report.

6. Learned advocate for the applicants submitted that the applicants are in no way concerned with the allegations made by the informant. The applicant No.4 is pursuing education and presently residing in Saudi Arabia and as far as the applicant No.5 is concerned, she is married sister in law of the informant and is residing with her husband on address given in the title clause. It would not be out of place to mention that the marriage of applicant No.5 is solemnized prior to the marriage of the informant. Therefore, perusal of the allegations clearly reveals that only to harass the applicants, false allegations are made against them. The date and time of allegation of abuses, beating is also not mentioned while no role has been attributed to the present applicants. All allegations are vague and general in nature. There is a delay in lodging the report. From the charge sheet, it appears that all the witnesses whose statements are recorded are from the parental side of the informant. The said statements of the witnesses cannot prove that the harassment and cruelty has been caused to the informant. Therefore, he prayed to quash the proceedings.

7. Learned A.P.P. for respondent No.1 State and learned advocate for respondent No.2 strongly opposed the application by submitting that the applicants and in-laws of the informant have treated the informant with cruelty. At the instance of the present applicants, there was consistent cruelty caused to the informant at the hands of her husband and in-laws. Though the applicants are residing at different places, they used to instigate the husband and the in-laws of the informant to harass the informant. The specific role by mentioning their names is attributed to the applicants. There was persistent demand of Rs.10,00,000/- for purchase of Scorpio vehicle. The applicants cannot be exonerated from the criminal liability under Sections 498-A, 323, 504 and 506 r.w. 34 of the I.P.C. It is lastly prayed to reject the application.

8. It would be relevant to refer to the judgment of the Hon'ble Supreme court in the case of **Kim Wansoo Vs. State of Uttar Pradesh & Ors.**, reported in **2025 SCC Online SC 17**, in which the Hon'ble Supreme Court, in paras 9 and 11 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.*

11. In the contextual situation, it is also relevant to refer to the decision of this Court in **Mohammad Wajid and Another v. State of U.P. and Anr.**, whereunder this Court, in so far as it is relevant, held thus :-

“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 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 materials collected in the course of investigation.....”

9. We have perused the charge sheet, particularly the report and the statements of witnesses. The witness have stated similar facts as has been stated in the report. Vague and general allegations are made against the applicants, their specific role is not stated either in the report or the statements of the witnesses. The allegations of demand of Rs.10,00,000/- for purchase of Scorpio are not made against these applicants. The allegations set-forth in the report and

the statements of witnesses about cruelty are not specifically establishing against the present applicants. If all these aspects are considered together, the offences punishable under Sections 498-A, 323, 504 and 506 r/w 34 of the I.P.C. are not established against the applicants. There is no medical evidence of injuries caused to the informant due to the alleged beating so as to establish essential ingredients of Section 323 of the I.P.C. Therefore, on such vague and general allegations, compelling the applicants to face the trial, would be an abuse of the process of the court. The case is made out for exercise of our powers under section 482 of the Cr.P.C. We are therefore, inclined to allow the application, in the interest of justice to prevent the abuse of the process of the Court. Hence, the following order:-

O R D E R

- I. The application stands partly allowed.
- II. The F.I.R. No. 137 of 2024 registered with Pimpalner Police Station Tq. and district Beed for the offences punishable under Sections 498-A, 323, 504 and 506 r.w. 34 of the I.P.C. and the consequential criminal case bearing R.C.C. No. 724 of 2024 pending before the learned Judicial Magistrate First Class, Beed, district Beed, are quashed and set aside to the extent of applicant Nos. 4 and 5.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)