



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3234 OF 2024

1. Syed Galib Ali Syed Hyder
Ali Hashmi,
Ae 68 years, Occ. Retired
2. Syeda Sageerabegum Syed
Galib Ali Hashmi,
Age 63 years, Occ. Housewife
3. Sayyed Parvez Ali Sayyed
Galib Ali Hashmi
Age 44 years, Occ. Business,
4. Syed Shahed Shed Galib Hashmi
Age 43 years, Occ. Private Service

All R/o. Vikas Nagar, Degloor Road,
Udgir, Tq. Udgir, district Latur
5. Khaled Galib Ali Hashmi
Age 40 years, Occ. Private service
R/o. C/o. Prof Shafa Sir,
Near Aqsa Masjid, Shahinsha Nagar
Beed, Tq. and district Beed
6. Sumeraa Begum Iqbaluddin Siddiqui
Age 45 years, Occ. Housewife
R/o. Tehsil Colony, Near BSNL Tower,
Majalgaon Road, Pathri,
Tq. Pathri, District Parbhani
7. Durrani Zohara Khan Shafa
Mohammad Khan
Age 34 years, Occ. Housewife
R/o. Near Aqsa Masjid, Shahinsha Nagar
Beed, Tq. and district Beed
8. Farha Begum Shaikh Sameer,
Age 32 years, Occ. Housewife
R/o. Shahu Nagar, Mahehubiya Masjid
Beed, Tq. and district Beed

...Applicants

Versus

1. The State of Maharashtra
Through Officer in charge
Majalgaon Rural Police Station
District Beed
 2. Lubna Fatema Hamed Hashmi Syed,
Age 32 years, Occ. Housewife
R/o. Vikas Nagar, Degloor Road
Udgir, Tq. Udgir, Dist. Latur
Presently residing at Patrud
Tq. Majalgaon, District Beed
- ...Respondents

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Mr. K.P. Rodge, Advocate for the applicants
Ms. Rashmi P. Gour, A.P.P. for the respondent No.1
Ms. T.S. Raut h/f Mr. S.J. Salunke, Advocate for respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 10th 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 of First Information Report (for short the "F.I.R.") No. 171 of 2024 registered with Majalgaon Rural police Station, Tq. Majalgaon, 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 proceeding bearing R.C.C.

No. 207 of 2024 pending before the Judicial Magistrate, First Class, Majalgaon, District Beed.

3. The respondent No.1/informant averred in the report that applicant Nos. 1 and 2 are her parents in law, applicant Nos. 3 to 5 are her brothers-in-law and applicant Nos. 6 to 8 are her sisters-in-law.

4. The informant averred in the report that she married son of applicant Nos. 1 and 2 on 24.11.2013. After the marriage, she was treated well for a period of three years. She begot a son Ashhad, 10 years old and a daughter Ehanaf, 5 years old. Thereafter, the applicants and other accused started to ask her to bring an amount of Rs.15,00,000/- from her parents. The applicants and other accused started to beating her and keep her on starvation. She informed her parents and maternal uncle about the cruelty caused to her. They tried to convince the applicants and other accused persons that their financial conditions is poor and they are not having that much amount, but the conduct of the applicants and co-accused did not changed. The informant was hopeful that in future the situation would improve and therefore, she continued to bear the cruelty and cohabiting with her husband. The informant had informed her parents and maternal uncle about that cruelty caused to her.

However, they used to convince her and send her back for cohabitation. The applicant Nos. 6 to 8 are the sisters-in-law of the informant who were frequently visiting the house of the informant as their children were residing there for education purpose. At that time, they used to harass her physically and mentally. They were beating and asking the informant to bring money from her parents for securing job to her husband.

5. The informant further averred that on 25.5.2022 the applicants and other accused, stated that till she brings the amount from her parents, she should not reside in their house and by saying so they abused and beat her and threatened that if she comes without money they will eliminate her. They also took away the gold and silver ornaments from her person and she was expelled from the house alongwith her two children. Therefore, she lodged the report.

6. Learned advocate for the applicants submitted that the applicants are no way concerned with the allegations made by the informant. The applicant Nos. 6 to 8 are married sisters-in-law of the informant and they reside at their respective matrimonial places. There are vague and baseless allegations made against the applicants, without quoting the specific role of these applicants. The date and time of allegation of abuses, beating at the instance of the

present applicants is also not attributed. 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 at the hands of the applicants. The applicants are close relatives of the husband of the informant and therefore, they have been falsely implicated in the crime without any substantial basis. 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 have treated the informant with cruelty. There was a demand of an amount of Rs.15,00,000/- for securing a government job for the husband of the informant. On account of non-fulfillment of the said demand, the applicants have treated the informant with cruelty. Though the applicant Nos. 6 to 8 are residing at different places, they frequently visited the house of the informant's in-laws of the informant on the pretext of meeting their children, staying there for educational purposes and during such visits, they used to harass the informant. The specific roles have been attributed to the applicants by clearly mentioning their names, therefore, the

applicants cannot be exonerated from the criminal liability arising against them 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 witnesses have stated similar facts as has been stated by the informant. There are no specific allegations against the present applicants regarding demand of money of Rs.15,00,000/- for securing a job for the husband of the informant. As far as these applicants are concerned, the allegations are made by the informant in the report that on 25.5.2022, that all the applicants drove her out of the house asking her to bring an amount of Rs.15,00,000/-. These allegations against the present applicants prima facie appear to be vague and general. In our view, it is impossible to make a demand of Rs.15,00,000/- in a chorus by all these applicants. Therefore, on the basis of general and vague allegations of cruelty made against the applicants, the essential ingredients of Sections 498-A, 323, 504, 506 r/w 34 of the I.P.C. are not established against the applicants. Therefore, on such vague and general allegations of cruelty etc. 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 and to prevent the abuse of the process of the Court. Hence, the following order:-

O R D E R

- I. The application stands allowed.
- II. The F.I.R. No. No. 171 of 2024 registered with Majalgaon Rural police Station, Tq. Majalgaon, District Beed, for the offences punishable under Sections 498-A, 323, 504, 506 r.w. 34 of the I.P.C. and the consequential criminal proceeding bearing R.C.C. No. 207 of 2024 pending before the Judicial Magistrate, First Class, Majalgaon, District Beed are quashed and set aside to the extent of present applicants.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

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