



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3026 OF 2023

1. Shaharukh Shaikh Anwar,
Age : 25 Years, Occ. Labour
(Husband of Respondent No.2)
2. Sharafabi Shaikh Anwar,
Age : 47 years, Occ. Housewife,
(Mother in law of respondent No.2)
3. Shaikh Anwar Shaikh Gulab,
Age : 52 years, Occ. Labour
(Father-in-law of respondent No.2)
4. Shaikh Ashapak Shaikh Anwar,
Age : 27 Years, Occ. Labour
(Brother-in-law of respondent No.2)
5. Shaikh Farukh Shaikh Anwar,
Age : 22 years, Occ. Labour
(Brother-in-law of respondent No.2)

All Resident of Lane No.07, Manik Nagar
Naregaon Dist. Aurangabad.

..Applicants

VERSUS

1. The State of Maharashtra,
Through Police Inspector,
Police Station, Badnapur,
Tq. Badnapur, Dist. Jalna.
2. Karina W/o Sharukh Shaikh,
Age : 19 Years, Occ. Household,
R/o. Badnapur, Tq. Badnapur,
Dist. Jalna at present Residing
at Naregaon Dist. Chhatrapati Sambhaji
Nagar.

.. Respondents

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Advocate for the Applicants : Mr. Nitin N. Jagadale
A.P.P for Respondent No.1/State : Mr. A.D. Wange
Advocate for Respondent No.2 : Mr. A.E.Madne (Appointed)

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**CORAM : SMT. VIBHA KANKANWADI AND
ROHIT W. JOSHI, JJ.**

DATED : JANUARY 03, 2025

JUDGMENT (Per Rohit W. Joshi, J.):-

1. The present Criminal Application is filed under Section 482 of the Code of Criminal Procedure challenging the criminal prosecution against the applicants for the offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act 1961, on the basis of First Information Report dated 14.07.2023 registered at the behest of respondent No.2 with Badnapur Police Station, District Jalna vide First Information Report No. 0292 of 2023 and the criminal case registered pursuant to the said First Information Report i.e. Regular Criminal Case No. 231 of 2023 which is pending on the file of learned Judicial Magistrate, First class, Badnapur.

2. The applicant No.1 is the husband, applicant Nos. 2 and 3 are parents-in-law and applicant Nos. 4 and 5 are brothers-in-law of respondent No.2/ informant.

3. As per the contents of the First Information Report, the marriage of respondent No.2 was solemnized with applicant No.1 on

07.01.2023. According to the allegations in the First Information Report, respondent No.2 was treated properly for initial period of 15 days after the marriage and thereafter started harassing on trivial issues in relation to household work etc. She has also alleged that they had demanded a sum of Rs. 3,00,000/- towards dowry and used to ill-treat her and also abused and beat her and pressurized her to fulfill the said demand. As per allegation in the First Information Report, she was forcibly evicted from the matrimonial home somewhere around second week of April 2023, since the demand of dowry was not met.

4. The learned Advocate for the applicants submits that the allegations in the First Information Report are absolutely vague and lacking in all material particulars. The date or tentative period of the demand is not mentioned. The particulars of alleged harassment and ill-treatment are also not provided. Apart from the merits of the matter, the learned Advocate also submitted that applicant No.1 and respondent No.2 have dissolved the marriage by executing a document titled as Deed of Divorce/*Khulanama* dated 12.09.2023.

5. The said document was tendered across the bar. The learned Advocate appearing for respondent No.2 confirmed that the marriage

has come to an end by customary divorce as per the Muslim Personal Law vide aforesaid document dated 12.09.2023. The said document titled as deed of divorce/ *Khulnama* is taken on record and marked as Exhibit "A".

6. The said document is written in Urdu language. Perusal of its Marathi translation will demonstrate that applicant No.1 and respondent No.2 by mutual consent have dissolved their marriage under the said document. Applicant No.1 has paid a sum of Rs. 11,000/- towards *Mehar* and has further paid an amount of Rs. 2,50,000/- to respondent No.2 for future maintenance. Respondent No.2 has confirmed in the said document that she has received all her personal belongings including presents and gifts received at the time of marriage. The document executed by applicant No.1 and respondent No.2 appears to be executed in presence of two witnesses. In view of the amicable settlement between the parties, coupled with the fact that the allegations in the First Information Report regarding demand for dowry and alleged ill-treatment are completely vague and omnibus and lacking all material particulars, we are of the opinion that the Criminal Application needs to be allowed. Hence, the following order :-

ORDER

(I) The application is allowed.

(II) The proceeding bearing Regular Criminal Case No. 231 of 2023 pending before learned Judicial Magistrate First Class, Badnapur, District Jalna arising out of First Information Report vide Crime No. 0292 of 2023 registered with Badnapur Police Station, Tq. Badnapur, District Jalna dated 14.07.2023 along with charge sheet No. 229 of 2023 dated 13.09.2023 for the offences punishable under Sections 498-A, 323 and 504 read with Section 34 of the Indian Penal Code are hereby quashed against all the applicants.

(III) The learned Secretary, High Court Legal Services Sub-Committee, Aurangabad to pay the fees which is quantified as Rs. 5,000/- (Rupees Five Thousand) to the learned Advocate appointed to represent Respondent No.2.

(ROHIT W. JOSHI)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

Y.S. Kulkarni