



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.3028 OF 2023

- 1) Nusrat Begum @ Nusrat Parveen
W/o- Abdul Saleem Saudagar,
(Mother-in-law),
Age-52 years, Occu:Housewife,
R/o-Mohsin Colony, Hyder Bagh,
Degloor Naka, Nanded,
- 2) Ishrat Parveen @ Heena
W/o- Gulam Mohammed Suleman Khan,
(Sister-in-law),
Age-31 years, Occupation:Housewife,
R/o- 9-4-123, Quilla Road,
Nizamabad. [Telangana State],
- 3) Gulam Mohammed Suleman Khan
S/o- Ghulam Mohammed Ghouse Khan,
(Brother-in-law),
Age-35 years, Occupation:Business,
R/o- 9-4-123, Quilla Road,
Nizamabad. [Telangana State].

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
- 2) Ayesha Aiman W/o- Abdul Riyan
Saudagar, Age-23 years,
Occu:Housewife, C/o- Abdul Wahed,
R/o-Behind Classic Automotives,
(Yamaha Showroom), Near Jyoti
Talkies, Shivaji Nagar, Industrial
Estate, Nanded-431602.

...RESPONDENTS

...
Mr. Joydeep Chatterji Advocate for Applicants.
Mr. A.R. Kale, A.P.P. for Respondent No.1.
Mr. J.A. Menezes Advocate h/f. Mr. P.S. Paranjape
Advocate for Respondent No.2.
...

**CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE OF RESERVING ORDER : 21st FEBRUARY 2025

DATE OF PRONOUNCING ORDER : 4th APRIL 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed, initially for quashing the First Information Report (for short "the FIR") vide Crime No.310 of 2023 registered with Nanded Rural Police Station, District-Nanded on 2nd May 2023, for the offence punishable under Section 377, 354-A, 323, 294, 494, 498-A of the Indian Penal Code and Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act 2013, and later on by way of amendment for quashing the proceedings in R.C.C. No.1475 of 2023, pending before the learned 4th Judicial Magistrate First Class, Nanded.

2. Heard learned Advocate Mr. Joydeep Chatterji for the applicants, learned APP Mr. Kale for respondent No.1 and learned Advocate Mr. Menezes holding for learned Advocate Mr. Paranjape for respondent No.2. In order to cut short, it can be stated that the learned Advocates for the respective parties have argued in support of their contentions.

3. What is not in dispute, is that respondent No.2 got married to one Riyan Saudagar as per Muslim rites on 24th February 2021. Applicant No.1 is mother-in-law, applicant No.2 is sister-in-law of respondent No.2 and applicant No.3 is the husband of applicant No.2. Even as per the FIR, it can be said that applicant Nos.2 and 3 were not residing at Nanded i.e. matrimonial home of respondent No.2. The marriage between applicant Nos.2 and 3 was prior to the marriage between respondent No.2 and her husband Riyan. Applicant Nos.2 and 3 are residing at Nizamabad in Telangana State. Further, it appears that respondent No.2 has made main allegations against husband, younger brother-in-law (husband's brother) and father-in-law, who are not before this Court. As regards Applicant No.1, mother-in-law is concerned, informant states that when she had made complaint about the behaviour of husband Riyan, who was stated to be doing unnatural sex with her, applicant No.1 had not

interfered and by taking side of the son she had stated that respondent No.2 should behave as the husband insists.

4. Now, there is allegation that around 7.00 p.m., on 1st May 2023, when respondent No.2 was in the house of her parents, she came to know that husband Riyan had performed second marriage and therefore, she went to the matrimonial home, where she and her relatives were assaulted by the husband, brother of husband and applicant No.3. If we consider these roles attributed to the applicants, those acts will not amount to cruelty as defined in Section 498-A of the Indian Penal Code. The occasional visits of applicant Nos.2 and 3 to the matrimonial home of respondent No.2 cannot be considered here. Those visits could not have been only for the purpose of giving harassment to the informant. Just to rope all the family members of the husband and to attribute role to them, it appears that allegations have been made and therefore, this is a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure. Hence the following order:-

ORDER

(I) The Application stands allowed.

(II) The proceedings in R.C.C. No.1475 of 2023 pending before the learned 4th Judicial Magistrate First Class, Nanded, arising out of the First Information Report vide Crime No.310 of 2023 registered with Nanded Rural Police Station, District-Nanded on 2nd May 2023, for the offence punishable under Section 377, 354-A, 323, 294, 494, 498-A of the Indian Penal Code and Section 3 of the Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act 2013, stands quashed and set aside as against applicant Nos. 1 to 3 i.e. - 1) Nusrat Begum @ Nusrat Parveen W/o- Abdul Saleem Saudagar, 2) Ishrat Parveen @ Heena W/o- Gulam Mohammed Suleman Khan and 3) Gulam Mohammed Suleman Khan S/o- Ghulam Mohammed Ghouse Khan.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE