



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3287 OF 2023

1. Riyaj Shaikh Mushtak Shaikh Mehtar
2. Mustak Shaikh Ahmad Mehtar
3. Nasimbi Shaikh Mustak Shaikh Mehtar
4. Ejaj Shaikh Mustak Shaikh Mehtar
5. Shahenajbi Shaikh Raffique
6. Parvinbi Shaikh Mukthar

**(Application is disposed of as withdrawn
as against applicant No.1 vide order
dated 03.10.2023)**

.. Applicants

Versus

1. The State of Maharashtra
Through Police Station Officer,
Nandurbar City Police Station,
District Nandurbar.

2. Rehanbi Riyaj Shaikh

.. Respondents

...

Ms. Surekha A. Devmane Munde and Mr. A. P. Munde, Advocate for applicants.

Mr. A. R. Kale, APP for Respondent No.1/State.

Ms. Pratibha Suryawanshi, Advocate for Respondent No.2 (Appointed).

...

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

DATE : 03 JANUARY 2025

ORDER :

. Present application has been filed under Section 482 of the Code of Criminal Procedure for quashing the FIR vide Crime No.85 of 2023 dated 12.02.2023 registered with Nandurbar City

Police Station, District Nandurbar for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code. It will not be out of place to mention here itself that by order dated 03.10.2023, the application stood disposed of as withdrawn as against applicant No.1. The application proceeded for the reliefs claimed on behalf of applicant Nos.2 to 6, who are father-in-law, mother-in-law, brother-in-law, elder sister-in-law and younger sister in-law of respondent No.2 respectively.

2. It is not in dispute that respondent No.2 and original applicant No.1 got married on 29.04.2018 and there is no issue out of the marriage.

3. Heard learned Advocate Ms. Surekha A. Devmane Munde for the applicants, learned APP Mr. A. R. Kale for Respondent No.1 and learned Advocate Ms. Pratibha Suryawanshi for respondent No.2 (Appointed). In order to cut short, it can be said all the Advocates have made submissions in support of their respective contentions.

4. Perusal of the FIR would show that respondent No.2 contended that she was residing together with all the applicants,

however, she has not explained as to how the married sister-in-law (whose marriage had taken place prior to her marriage) was residing in her matrimonial home. It is her contention that within four years of marriage, she was harassed on the ground of bringing amount of Rs.2,00,000/- for not begotting any child and giving less amount of dowry. She has not clarified in her FIR as to for what purpose the amount was demanded. Whether it was promised as dowry at the time of marriage and was not given, who had demanded that amount and approximately when the said amount was demanded. There are only vague statements that on this count she was harassed mentally and physically. Of course there are specific allegations against the husband, whose application has been withdrawn. As specific role is not attributed and the contents are vague, we take this as a fit case where we should exercise powers under Section 482 of the Code of Criminal Procedure in favour of applicant Nos.2 to 6. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The FIR vide Crime No.85 of 2023 dated 12.02.2023 registered with Nandurbar City Police Station, District

Nandurbar for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code stands quashed and set aside.

III) Fees of learned Advocate, who is appointed for respondent No.2, is quantified at Rs.5,000/- to be paid by High Court Legal Services Sub Committee, Aurangabad.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm