



This order is corrected as per the order of speaking to the minutes dated 18th August, 2025.

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

CRIMINAL APPLICATION NO. 4011 OF 2024

1. Irfan s/o Afzalkhan Pathan
Age 44 years, Occ: Service
R/o: IITM Colony, Dr. Homibhabha Road,
Near NCL Pashan, Pune.
2. Arifa w/o Afzalkhan Pathan
Age 64 years, Occ: Nil
R/o: IITM Colony, Dr. Homibhabha Road,
Near NCL Pashan, Pune.
3. Sajid s/o Afzalkhan Pathan
Age 26 years, Occ: Business
R/o: Mukundnagar, Kotwali, Ahmednagar.
4. Najmin Irphan Shaikh
Age: 42 years, Occ: household
R/o: Mukundnagar, Kotwali, Ahmednagar.
5. Irphan s/o Sultan Shaikh
Age: 46 years, Occ: Service
R/o: Mukundnagar, Kotwali, Ahmednagar.
6. Anis @ Anisa W/o. Gulabkhan Pathan,
Age 68 years, Occ: Pensioner
R/o: Mukundnagar, Kotwali, Ahmednagar.
7. Nasir s/o Gulabkhan Pathan
Age: 57 years, Occ: Business
R/o: Mukundnagar, Kotwali, Ahmednagar.
8. **Mustaq S/o Gulabkhan Pathan**
@ Khan Mustaqkhan Gulabkhan
Age: 57 years, Occ: Pensioner
R/o: Mukundnagar, Kotwali, Ahmednagar.

... Applicants

Versus

1. The State of Maharashtra
Through Kotwali Police Station
District: Ahmednagar.
2. Pharaoh w/o Irphan Pathan,
Age: 38 years, Occ: household
R/o: c/o Rauf Bashir Khan,
H.No.4276, Pathwardhan Chouk
Ahmednagar.

... Respondents

...

Ms. Renuka V. Ghule, Advocate for Applicants.

Mr. G. A. Kulkarni, APP for Respondent No.1 / State.

Ms. Sunita G. Sonawane, Advocate for Respondent No.2. (Absent).

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

RESERVED ON : 10th June, 2025.

PRONOUNCED ON : 24th June, 2025.

ORDER : (Per Sanjay A. Deshmukh, J.)

1 Heard the learned counsel for the applicants and the
learned APP for the respondent / State.

2 This application is filed under Section 482 of the Code of
Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashment of

the proceedings in R.C.C. No.274 of 2025, pending in the Court of learned Additional Chief Judicial Magistrate, Ahmednagar, arising out of FIR bearing Crime No.0909 of 2024, dated 8th August, 2024, registered with Kotwali Police Station, Taluka and District Ahmednagar, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 (for short "the IPC").

3 Applicant No.1 is the husband of the informant / respondent No.2. Applicant No.2 is the mother-in-law, applicant No.3 is the brother-in-law and applicant No.4 is the sister-in-law of the informant. Applicant No.5 is the husband of applicant No.4. Applicant No.6 is the maternal aunt-in-law of the informant. Applicant Nos.7 and 8 are the maternal uncles-in-law of the informant.

4 The respondent No.2 / informant averred in the report that her marriage (*Nikah*) with applicant No.1 was solemnized on 8th November, 2009 as per Muslim religious rites and customs. After the marriage, since her husband was employed in Pune, she joined him there for cohabitation. Alongwith her husband, she resided with applicant Nos.2, 3 and 4. Initially, for about four to five months, she

was treated well. Thereafter, applicant No.1 started to harass her by taunting her that sufficient gold jewellery (necklace and ring of less weight), gifts, and cash were not given at the time of marriage. The applicants used to insult her on that count. Subsequently, upon the birth of her two daughters, namely Simin and Alisha, the applicants started to ill-treat her on account of not bearing a male child. She was further harassed for not bringing money from her parental home to cover the educational expenses of her daughters. They demanded an amount of Rs.20,00,000/- to Rs.25,00,000/- for purchasing a flat and continuously pressured her for the same. When the informant refused, explaining that her parents were poor and unable to meet their demands, the applicants abused her in filthy language and beat her by kicks and fists blows. She informed her parents of such ill-treatment through letters and by phone.

5 The informant further averred that applicant Nos.5 to 8 often visited their residence at Mukundnagar. They humiliated the informant and her relatives by stating that they were not given any respect or gold ornaments at the time of marriage, and further stated that she should not be allowed into their household until she brings Rs.20,00,000/- for purchasing a flat. They threatened to drive her out of the house permanently unless she fulfilled their demand.

This way the applicants continuously treated the informant with cruelty. Despite such ill-treatment, the informant continued to reside with her husband, keeping in view the poor financial condition of her parents. Her family members had lodged complaints against the applicants with the Superintendent of Police, Ahmednagar, in the years 2019 and 2021. Eventually, the informant was driven out of her matrimonial home due to non-fulfilment of the monetary demand. The informant further averred that on 16th December, 2021, she submitted an application before the *Bharosa Cell*, Ahmednagar, narrating the cruelty inflicted by her husband and in-laws. At that time, she was taken back for cohabitation at her matrimonial home in Pune on 19th March, 2022. However, after a few days, as no money was received from her parental home, all the applicants visited their house in Pune and demanded to know whether she would bring the money or not. They threatened her with divorce if the demand was not fulfilled.

6 The informant further averred that on 3rd November 2023, when her parents came to meet her, the applicants did not allow them to enter or meet her. Aggrieved by this, her parents lodged a complaint with the Pune police. Keeping that anger in the mind, on 5th November, 2023, applicant Nos.1 and 2 beaten the

informant, her daughters and her son by kicks and fists blows. The informant immediately informed her brother Wasim about the incident, who called the police. With the assistance of police, she managed to escape from their custody and later approached Chaturshringi Police Station and lodged a report. Her brother also took her to the Civil Hospital for treatment.

7 The informant further averred that on 6th November, 2023, the informant, accompanied by her father, uncles, and brother Wasim, visited the house of applicant Nos.4 and 5 for compromise. At that time, applicant Nos.6 to 8 were also present. Her father, uncles, and brother tried to convince them, that they are poor and cannot pay an amount of Rs.20,00,000/- for purchasing a flat. However, they did not pay heed to them and drove them out of the house, hurled abusive language, and reiterated that only upon receiving Rs.20,00,000/- the informant would be allowed to return to the matrimonial home. They also threatened that she would be divorced if the said amount was not paid. Accordingly, on 8th November, 2023, the informant lodged a complaint before the *Bharosa Cell*. However, no compromise took place. Therefore, she lodged the report against the applicants.

8 The learned counsel for the applicants submitted that the applicants are falsely implicated in the crime. She submitted that general and vague allegations are made against the applicants. The applicants are implicated in the crime with an ulterior motive to harass them. If the applicants are compelled to face the trial, they will certainly suffer. she lastly prayed to allow the application.

9 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. Their names are mentioned in the report. They treated the informant with cruelty. They have committed anti-social crime. They demanded Rs.20,00,000/- for purchasing a flat. Specific and detailed allegations made in the report clearly demonstrate the active and deliberate role played by each of the applicants. He lastly prayed to reject the application.

10 Here, it is relevant to refer to the decision of the Honourable Supreme Court in ***Mohammad Wajid and Another Vs. State of U.P. and Another***, reported in, ***2023 SCC Online SC 951; 2023 INSC 683***, whereunder the Honourable Supreme Court 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 the 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 the materials collected in the course of investigation....”

11 A reference also can be made to the judgment in the case of ***CBI Vs. Aryan Singh***, reported in, ***2023 SCC Online SC 379***, in which the Honourable Supreme Court held as under:-

“Para 10... As per the cardinal principle of law, at the stage of discharge and/or quashing of the criminal proceedings, while exercising the powers under Section 482 Cr. P.C., the Court is not required to conduct the mini trial.”

12 We have perused the charge-sheet, particularly, the report as well as the statements of witnesses. The daughter of informant namely Simin, aged 13 years, stated that her mother was beaten by applicant Nos.1 and 2. She and her brother were also beaten. The daughter further stated in her statement that her uncle

and the informant taken her to the Civil Hospital. She also sustained injury to her throat. Since then she and her mother are residing with her maternal grandparents. Same facts are stated by other witnesses, who are the parents of informant. The report is lodged on 8th August, 2024, but the details of the incident are stated by the informant in the report making specific allegations against applicant Nos.1, 2 and 4 that they were demanding money and last meeting was held in the house of her sister-in-law i.e. applicant No.4 where from informant was driven out of the house lastly where she supported demand of money along with applicant Nos.1 and 2. Considering the persistent demand for purchasing a flat, harassment of the informant, we are of the view that there is reliable material against applicant Nos.1, 2 and 4. Hence, applicant Nos.1, 2 and 4 are certainly not entitled for the relief of quashing of the report, charge-sheet and the proceedings.

13 As far as applicant Nos.3 and 5 to 8 are concerned, their role is vaguely stated in the report and the statements of witnesses. There is no material against them. In such circumstances, if applicant Nos.3 and 5 to 8 are compelled to face the trial, it would certainly be an abuse of the process of the Court. The essential ingredients of Sections 498-A, 323, 504 and 506 of IPC are not

establishing against applicant Nos.3 and 5 to 8. Considering the facts and circumstances of the case, certainly applicant Nos.3 and 5 to 8 are entitled for the relief of quashing of the report and the proceedings. We are therefore, inclined to allow the application to the extent of applicant Nos.3 and 5 to 8 by exercising our inherent powers under Section 482 of the Cr.P.C. in the interest of justice to prevent the abuse of the process of Court. The application, therefore, deserves to be partly allowed. Hence, the following order:-

ORDER

- I. The application is partly allowed.
- II. The application of applicant Nos.1, 2 and 4 stands rejected.
- III. The proceedings in R.C.C. No.274 of 2025, pending in the Court of learned Additional Chief Judicial Magistrate, Ahmednagar, arising out of FIR bearing Crime No.0909 of 2024, dated 8th August, 2024, registered with Kotwali Police Station, Taluka and District Ahmednagar, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, stands quashed as against applicant Nos.3 and 5 to 8 only.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]