



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1304 OF 2025

1. Anis Baig s/o Nasib Baig
age : 44 Years, Occu. : Service,
(Brother-in-law of the deceased)
2. Shabana Baig w/o Anis Baig,
age : 42 Years, Occu.: Service,
(Sister-in-law of the deceased)
Both R/o. Police Colony, TV Centre,
N-10, CIDCO, Aurangabad

...PETITIONERS

Versus

1. The State of Maharashtra
2. Shaikh Badiyoddin s/o Shaikh Mashroddin
(father of deceased/Informant)
age : 61 Years, Occu.: Retired,
R/o. House No.14/15, Gat No.222,
Arifnagar, Jatwada Road,
Aurangabad

...RESPONDENTS

Mr. Jadhav Satej S., Advocate for the Petitioners.
Mr. P. M. Kulkarni, APP for Respondent No.1.
Mr. Bakal Vishal P., Advocate for Respondent No.2.

CORAM : ABHAY J. MANTRI, J.
DATE : DECEMBER 01, 2025

JUDGMENT :

1. Heard. **Rule.** Rule is returnable forthwith with the consent of learned counsel for the parties, heard finally at the admission stage.
2. By this petition, the petitioners, who are the brother-in-law of the deceased and his wife (accused Nos. 2 and 3), are challenging the order

dated 03rd July 2025 passed by the learned Additional Sessions Judge-11, Chh. Sambhajinagar, below Exhibit 20 in Sessions Case No.02 of 2018, whereby their application for discharge from the said proceedings was rejected.

3. The learned counsel for the petitioners submitted that the FIR as well as the statements of the witnesses themselves indicate that, for about ten months before the incident, the petitioners were residing separately from the deceased and her husband. Therefore, the question of their involvement in the present crime did not arise at all. He further submitted that there is no material on record to demonstrate that the petitioners abetted the deceased to commit suicide or that they subjected her to cruelty on account of the demand for dowry. Hence, the learned counsel for the petitioners submitted that the learned additional sessions judge has not considered the said facts in their proper perspective and erred in rejecting the application. Hence, the impugned order is liable to be set aside, and the petitioners are entitled to discharge.

4. On the other hand, learned counsel for respondent No.2-informant and the learned APP for respondent No.-State1 have vehemently opposed the petition on the ground that the petitioners were residing with the deceased and her husband, and that the learned Trial Court, after considering the material on record, has rightly held that the petitioners had played a role in the crime, and therefore the application was rightly

rejected. As such, no interference is required in it. They tried to point out to me certain statements; however, the learned counsel for respondent No.2 failed to point out any specific allegations about cruelty/ill-treatment caused by the petitioners to the deceased or any act of abetment caused by them prior to the commission of suicide.

5. During the course of arguments, the learned counsel for the parties took me through the FIR and the relevant statements of the witnesses to substantiate their respective contentions.

6. Having heard the learned counsel for the parties and upon going through the FIR, charge-sheet, and the statements relied upon by the petitioners, *it appears, prima facie*, that for about ten months before the incident, the petitioners were residing separately from their family in quarters allotted to them by the Government. Moreover, a bare perusal of the FIR and the statements of the witnesses, as pointed out, *prima facie* does not indicate that the petitioners had played any role in abetting the deceased to commit suicide or that they subjected her to cruelty on account of the demand for dowry. Similarly, on perusal of the statement of one Rizan Moiz Baig, the son of the deceased, who is alleged to be an eyewitness to the incident that occurred before the committal of the suicide by the deceased, he has not stated anything against the petitioners. He has not stated that the petitioners were present at their house on the date of the incident. From the FIR and the statements of some of the witnesses, it *prima*

facie appears that the General and omnibus allegations made against the petitioners cannot justify putting them to trial in these circumstances. In the absence of any specific role attributed to the petitioners, to attract the ingredients of sections 306 and 498-A of the Indian Penal Code, it would be unjust to compel them to undergo the tribulations of a trial. Hence, in my view, it would be unfair to force the petitioners to undergo the tribulations of a trial.

7. I have perused the impugned order. In paragraph No.9, the learned Judge has vaguely observed that “*prima facie the specific role of the accused Nos. 2 and 3 is mentioned in the charge-sheet*”; however, the learned Judge has neither described nor mentioned who has stated such specific role of the petitioners in the charge-sheet. On the contrary, the FIR and the statements of the witnesses pointed out by the learned counsel for the respondent No.2 and APP do not, *prima facie*, attribute any role to the petitioners. Therefore, the vague observations recorded by the learned Judge about the role of the petitioners are liable to be set aside in Writ Jurisdiction.

8. In fact, the learned Judge was required to specify the material available against the petitioners to demonstrate that they had subjected the deceased to cruelty on account of the demand for dowry or had abetted her to commit suicide. In the absence of such material, it cannot be said that the charge-sheet mentions any specific role of the petitioners/accused Nos. 2

and 3. Therefore, the finding recorded by the learned Judge appears to be contrary to the material on record and liable to be set aside in Writ Jurisdiction.

9. Thus, having considered the above discussion, it appears that the learned APP and the learned counsel appearing for respondent No.2 have failed to point out how the petitioners played any role in causing cruelty to the deceased on account of dowry or in abetting her to commit suicide soon before her death.

10. Consequently, the petition is allowed as prayed. The impugned order dated 03rd July 2025 passed by the learned Additional Sessions Judge-11 below Exhibit 20 in Sessions Case No.02 of 2018, is hereby quashed and set aside. The application below Exhibit 20 filed before the learned Sessions Court is allowed, and the petitioners are discharged from the proceedings. Rule is made absolute in the above terms.

11. The learned counsel for respondent No.2 submitted that the charge has not been framed to date and requested that the trial be expedited. On the request of the learned counsel for respondent No.2 and on perusal of the record, it appears that the trial has been pending since 2018. As such, the learned Trial Court is directed to expedite the trial.

(ABHAY J. MANTRI, J.)