



IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3545 OF 2023

1. Azhar Siraj Shaikh,
Age : 34 Years, Occu. : Labour,
R/o. Panchasil Nagar, Sadar Bajar,
Tq. Ambajogai, Dist. Beed.
2. Siraj Abdulkadar Shaikh,
Age : 63 Years, Occu. : Nil,
R/o. Panchasil Nagar, Sadar Bajar,
Tq. Ambajogai, Dist. Beed.
3. Ruksana Siraj Shaikh,
Age : 51 Years, Occu. : Household,
R/o. Panchasil Nagar, Sadar Bajar,
Tq. Ambajogai, Dist. Beed.
4. Farhin Naimoddin Sayyad,
Age : 28 Years, Occu. : Household,
R/o. Gandhi Nagar, Ambajogai,
Dist. Beed.
5. Parvin Javed Shaikh,
Age : 30 Years, Occu. : Household,
R/o. Papnash Nagar, Near Govt.
Milk Dairy, Osmanabad.

.... Applicants

VERSUS

1. The State of Maharashtra
Through the Officer In Charge of
Renapur Police Station,
Tq. Renapur, Dist. Latur.
2. Sk. Kousar Azhar,
Age : 27 Years, Occu. : Housework,
R/o. Bhokramba, Tq. Renapur,
Dist. Latur.

.... Respondents

....
Advocate for Applicants : Mr. S.T. Mahajan
APP for Respondent No.1-State : Mr. G.A. Kulkarni
Advocate for Respondent No.2 : Mr. Fayaz K. Patel
....

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

Dated : 26th June 2025

ORDER [PER SANJAY A. DESHMUKH, J.] :-

1. Heard learned Advocate for both sides as well as learned APP for the State.

2. This is an application for quashing the First Information Report (for short “the F.I.R.”) and charge-sheet in R.C.C. No.95 of 2023, under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”), pending before the learned Judicial Magistrate First Class, Renapur, Dist. Latur, arising out of Crime bearing No.0042 of 2023, registered with Renapur Police Station, Dist. Latur, dated 07.02.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (for short “the I.P.C.”) and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

3. After hearing both sides, when this Court expressed disinclination to grant any relief to applicant No.1/husband, learned

Advocate for the applicants sought withdrawal of the application to the extent of applicant No.1. Therefore, vide order dated 27.10.2023, this application is dismissed as withdrawn against applicant No.1.

4. Learned Advocate for the applicants pointed out the report dated 07.02.2023, in which respondent No.2/informant averred that applicant No.2 is her father-in-law, applicant No.3 is her mother-in-law and applicant Nos.4 and 5 are her sisters-in-law.

5. The informant further averred in her report that she married with the son of applicant Nos.2 and 3 on 02.02.2014. Initially, she was treated well for two years. She begot a daughter viz. Aliya. Thereafter, the applicants and her husband demanded Rs.2 Lakhs to her to load the grocery items in their grocery shop. They frequently abused her, beat her and starved her. Her parents were convincing the applicants and her husband that as soon as they get the money, they will pay it and treat her properly. But, the applicants and her husband were not paying heed to it. She made an application to the Women Grievance Redressal Cell, Ambajogai on 13.06.2016. A compromise took place and she went for cohabitation.

6. The informant further averred in her report that her brother was paid Rs.2 Lakhs to her husband. Her husband again

demanded Rs.3 Lakhs and harassed her. She was hopeful that after some days, the applicants and her husband would behave properly with her. During her cohabitation, she begot a son viz. Mohd. Ifraz and a daughter viz. Anabiya. Thereafter also, her husband continued harassment to her. He was harassing her on the count of complaint made by her to the Women Cell, Ambajagoi and slapped her on her right ear. She lodged the report with Ambajogai Police Station vide C.R. No.132 of 2022, for the offences punishable under Sections 325, 323, 504, 506 of the I.P.C.

7. The informant further averred in her report that, thereafter, she kept her three children with her husband and went to reside to her parents house. Applicant Nos.2 and 3 and her husband came there and said that if she did not come for cohabitation, they will not allow her to see the children. They also abused and threatened her and she went back for cohabitation. On 18.12.2022, at about 07.30 p.m., her brother Zahir and maternal aunt Rabiya Shaikh fetched her to the house of her husband for cohabitation. But she was not allowed to enter into the house. That time, the applicants and her husband abused and beat her. Her husband uttered word 'Talaq' for three times and said that now the marital tie has broken. Her three children were taken away from her. The gold ornaments on her

persons were also taken out. Applicant Nos.4 and 5 beat her. On 02.01.2023, she made a complaint to the Women Grievance Redressal Cell, Latur. However, the matter could not be compromised. Therefore, she lodged the report on 07.02.2023.

8. Learned Advocate for the applicants submitted that applicant Nos.2 to 5 are falsely implicated in the crime. General and vague allegations are made against these applicants. Though the specific incidents of cruelty are stated by the informant in the report and by the witnesses in their statements, the fact of cruelty is not establishing from the entire charge-sheet against these applicants. No medical certificate is produced on record to prove the alleged beating. False allegations of cruelty are made against these applicants. The essential ingredients of offences punishable under Sections 498-A, 323, 504, 506 of the I.P.C. are not establishing against these applicants. If they are compelled to face the trial, it would certainly be an abuse of process of Court. It is lastly prayed to allow the application.

9. Learned APP for the State strongly opposed the application and submitted that there is strong evidence of cruelty against applicant Nos.2 to 5. Their names are mentioned in the F.I.R.

These applicants treated the informant with cruelty by demanding Rs.2 Lakhs for loading the grocery items in their grocery shop and caused physical and mental cruelty. They compelled her to reside at her parents house. It is lastly prayed to reject the application.

10. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that applicant Nos.2 to 5 are involved in the crime of treating the informant with cruelty. The specific incidents are stated by the informant in the report that these applicants treated the informant with cruelty by demanding Rs.2 Lakhs for loading the grocery items in their grocery shop. The names of these applicants are mentioned in the F.I.R. There are statements of witnesses corroborating with the version of the informant. There is strong evidence against these applicants to proceed further with the trial. Therefore, the application deserves to be rejected as there is reliable evidence against these applicants to establish the requisites of offences punishable under Sections 498-A, 323, 504, 506 of the I.P.C. He prayed to reject the application.

11. In the context of this case, it would be relevant to refer the following authorities :

i) ***Mohammad Wajid and Another Vs. State of U.P. and Another, reported in 2023 SCC Online SC 951; 2023 INSC 683,*** wherein the Hon'ble Supreme Court has laid down the law as follows :-

“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....”

ii) ***CBI Vs. Aryan Singh, reported in 2023 SCC Online SC 379,*** in which the Hon'ble Supreme Court has held as follows :-

“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 of Cr.P.C., the Court is not required to conduct the mini trial.”

iii) **Kim Wansoo Vs. State of Uttar Pradesh & Ors., reported in 2025 SCC Online SC 17**, wherein the Hon'ble Supreme Court, in para.9 of the judgment, has held as under :

“9. In State of A.P. v. Golconda Linga Swamy, this Court again held that where an FIR did not disclose the commission of an offence without anything being added or subtracted from the recitals thereof, the said FIR could be quashed.

12. We have perused the charge-sheet, particularly the report and statements of witnesses. The witnesses have stated similar facts as stated by the informant in the report. Admittedly, applicant Nos.4 and 5 are married sisters-in-law and they are residing at their matrimonial houses with their husbands at Beed and Osmanabad, respectively. General and vague allegations without stating specific incident of cruelty caused to her on the part of applicant Nos.4 and 5 are not sustainable. The essential ingredients of Sections 498-A, 323, 504, 506 of the I.P.C. to constitute the cruelty, etc. are not establishing from the charge-sheet against applicant Nos.4 and 5.

13. Applicant Nos.2 and 3 were residing with the informant and her husband. The informant has specifically stated in her report that applicant Nos.2 and 3 were also demanding Rs.2 Lakhs for

loading the grocery items in their grocery shop. She made a complaint against them on 13.06.2016. There is material against applicant Nos.2 and 3 regarding cruelty caused to the informant. The essential ingredients of Section 498-A are establishing against them. Therefore, they are not entitled to get the benefit of quashing the report and charge-sheet.

14. Considering all the aspects, above reasons and law laid down in the authorities cited supra, if applicant Nos.4 and 5 are compelled to face the trial, it would certainly be an abuse of process of Court. We are, therefore, inclined to exercise our powers under Section 482 of the Cr.P.C. to quash the report and charge-sheet in the interest of justice to prevent the abuse of process of Court against applicant Nos.4 and 5. The application deserves to be partly allowed. Hence, the following order.

ORDER

- I) The application is partly allowed.
- II) The application is rejected against applicant Nos.2 and 3.
- II) The First Information Report and charge-sheet in R.C.C. No.95 of 2023, pending before the learned Judicial Magistrate First Class, Renapur, Dist. Latur, arising out of Crime bearing No.0042 of 2023, registered with

Renapur Police Station, Dist. Latur, dated 07.02.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 stands quashed against applicant Nos.4 and 5.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asd