



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3905 OF 2023

1. Altaf Aziz Shaikh
2. Shaikh Sayadabi Shaikh Ajij
3. Aziz Lal Shaikh
4. Shaikh Ahmad Shaikh Ajij
5. Shamim Ibrahim Shaikh

.. Applicants

Versus

1. The State of Maharashtra
Kingao Police Station,
Tq. Ahmadpur, Dist. Latur.
2. Afsana Altaf Shaikh

.. Respondents

...

Mr. Rehan Khan a/w Mr.G. R. Syed, Advocate for the applicants.
Mr. V. K. Kotecha, APP for respondent No.1/State.
Mr. Amol Gaikwad h/f Mr. S. B. Solanke, Advocate for respondent No.2.

...

**CORAM : SMT. VIBHA KANKANWADI &
SUSHIL M. GHODESWAR, JJ.**

DATE : 22 AUGUST 2025

ORDER (Per Smt. Vibha Kankanwadi, J.) :-

. Present application has been filed for quashing the proceedings in Regular Criminal Case No.272 of 2023 pending before the learned Judicial Magistrate First Class, Ahmedpur, District Latur arising out of the FIR vide Crime No.162 of 2023 dated 04.07.2023 registered with Kingaon Police Station, District Latur for the offences punishable under

Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. Heard learned Advocate Mr. Rehan Khan along with Mr. G. R. Syed for the applicants, learned APP Mr. V. K. Kotecha for respondent No.1/State and learned Advocate Mr. Amol Gaikwad holding for learned Advocate Mr. S. B. Solanke for respondent No.2. In order to cut short it can be said that both of them have made submissions in support of their respective contentions.

3. After disinclination is shown to grant any relief in favour of applicant No.1, learned Advocate for the applicants, on instructions, seeks withdrawal of the application. Under such circumstance, the application stands disposed of as withdrawn in respect of applicant No.1.

4. It is not in dispute that respondent No.2 was married to original accused No.1 on 22.04.2018. Applicant No.2 is the mother-in-law, applicant No.3 is father-in-law, applicant No.4 is the brother-in-law and applicant No.5 is the sister-in-law of respondent No.2. It is also not in dispute that original accused No.1 and respondent No.2 are blessed with son.

5. It has been now tried to be stated that there was a *Khulanama* between original accused No.1 and respondent No.2 on 24.12.2022. A

notarized document has been tried to be tendered and when it was asked as to whether that *Khulanama* is required to be registered with Kazi, a copy of the document in Urdu was handed over across the bar by the learned Advocate. However, the translation thereof was not given and, therefore, we showed our disinclination to grant any relief to applicant No.1. The said document then will have to be proved by the applicant No.1 if he is taking that defence. But as regards the merits of the case are concerned, the informant has stated that after the birth of the son, all the applicants started asking her to bring amount of Rs.10,00,000/- for purchasing JCB. Now, the allegations are so cryptic stating that she was assaulted and kept starved. No specific act is attributed to applicant Nos.2 to 5 and we can see that the said alleged acts appear to be ranging at least from 2019-2020 till 12.01.2023. She has not given the date of birth of the son, but in the statement of her father, the age of the son is four years. So if the duration of the harassment was of four years, then the vague statement that she was assaulted and kept starved will not amount to cruelty, as defined under Section 498-A of Indian Penal Code. Applicant No.5 is the married sister-in-law, who resides at Mira-Bhayandar, District Thane, whereas the other accused persons are residing at Khadi, Taluka Palam, District Parbhani. Why the married sister-in-law was residing with her parents for so many years has not been explained and, therefore, certainly, she has been

implicated being the relative of the husband. Another fact to be noted is that it is hard to believe that a JCB machine could be purchased only for Rs.10,00,000/-. She has not stated as to whether it was the second hand JCB Machine that was proposed to be purchased. The allegations being vague, we are of the opinion that even *prima facie* they will not attract the offences and, therefore, this is a fit case where we should exercise our powers under Sections 482 of the Code of Criminal Procedure in favour of applicant Nos.2 to 5. Hence, the following order :-

ORDER

- I) Criminal Application stands partly allowed.
- II) Criminal Application stands disposed of as withdrawn as in respect of applicant No.1.
- III) Criminal Application stands allowed in respect of applicant Nos.2 to 5.
- IV) The proceedings in Regular Criminal Case No.272 of 2023 pending before the learned Judicial Magistrate First Class, Ahmedpur, District Latur arising out of the FIR vide Crime No.162 of 2023 dated 04.07.2023 registered with Kingaon Police Station, District Latur for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code, stand quashed and set aside as against applicant Nos.2 to 5.

[SUSHIL M. GHODESWAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm