



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

123 CRIMINAL APPLICATION NO.4215 OF 2023

- 1 Ejaj Iqbal Pinjari,
Age 33 yrs., Occ. Labour,
- 2 Iqbal Gambhir Pinjari,
Age 62 yrs., Occ. Labour,
- 3 Imtiyaj Iqbal Pinjari,
Age 58 yrs., Occ. Household,
- 4 Fayaj Iqbal Pinjari,
Age 31 yrs., Occ. Labour,
- 5 Rehana @ Nilofar Fayaj Pinjari,
Age 29 yrs., Occ. Household,

Applicant Nos.1 to 5 are
r/o Kandari, Near Mahadev Tekdi,
Tq. Bhusawal, Dist. Jalgaon.

- 6 Ruksar Amin Pinjari,
Age 29 yrs., Occ. Household,
R/o Satpur Nashik,
Tq. & Dist. Nashik.
- 7 Muktar Gambhir Pinjari,
Age 46 yrs., Occ. Labour,
R/o Vivare (Kh),
Tq. Raver, Dist. Jalgaon.
- 8 Aktar Gambhir Pinjari,
Age 41 yrs., Occ. Labour,
R/o Vivare (Kh),
Tq. Raver, Dist. Jalgaon.

... Applicants

... Versus ...

- 1 The State of Maharashtra
Through In-charge Police Officer,
City Police Station, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon.
- 2 Heena Ejaj Pinjari,
Age 26 yrs., Occ. Household,
R/o C/o Shabbir Sardar Pinjari,
Aqsa Nagar, Near Lal Building,
Khadka Road, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon.

... **Respondents**

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Mr. J.V. Patil, Advocate for applicants

Mr. G.A. Kulkarni, APP for respondent No.1

Mr. Y.S. Choudhari, Advocate for respondent No.2

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

DATE : 17th JULY, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Present application has been filed under Section 482 of the Code of Criminal Procedure, 1973 initially for quashment of First Information Report vide Crime No.162/2023 dated 17.08.2023 registered with City Police Station, Bhusawal, Tq. Bhusawal, Dist. Jalgaon, for the offence punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal

Code, 1860 and later on by way of amendment for quashing the proceedings in Regular Criminal Case No.61/2024 pending before learned Judicial Magistrate First Class, Bhusawal.

2 Heard learned Advocate Mr. J.V. Patil for applicants, learned APP Mr. G.A. Kulkarni for respondent No.1 and learned Advocate Mr. Y.S. Choudhari for respondent No.2.

3 It will not be out of place to mention here that when the matter was on board on 16.08.2024, learned Advocate for applicants as well as respondent No.2 submitted that pre-talks of settlement have taken place, however, further finalization of settlement is possible through mediation and, therefore, the matter was referred for mediation. The mediation failed. Thereafter, when the matter was on board on 18.06.2025, learned Advocate for applicants sought leave to amend in view of filing of charge sheet, which was granted. A statement was made on behalf of applicants that mediation failed only on the count of mode of payment. According to him, the amount of settlement was fixed at Rs.3,00,000/- and, therefore, we then directed applicants to deposit said amount with this Court within a period of one week. We made it clear that it was not a condition precedent for settlement, but to show *bona fides* and this amount is also not the only amount on which the parties can say that the compromise should take place. If respondent

No.2 would have shown willingness for settlement, then finalization of terms could have been undertaken. Thus, there was an attempt on the part of this Court to see that matter is settled by written communication dated 23.06.2025. It appears that applicant No.1 informed the Advocate that due to the strained financial conditions the applicants are not in a position to deposit the said amount of Rs.3,00,000/-.

4 Now, the matter is heard on merits. It is not in dispute that respondent No.2 and applicant No.1 got married on 16.02.2014 as per Muslims Rites and they have a daughter aged 7 and a son aged 5 born out of the wedlock. Applicant Nos.2 and 3 are parents of applicant No.1, applicant No.4 is brother of applicant No.1, applicant No.5 is wife of applicant No.4, applicant No.6 is sister of applicant No.1 and applicant Nos.7 and 8 are uncles of applicant No.1.

5 Learned Advocate appearing for applicants has taken us through the entire charge sheet and submits that allegations are omnibus. There was long marital life and it was going on smoothly, but due to some trifling differences First Information Report has been lodged. Statements of witnesses are stereotyped and those are by relatives of informant only.

6 Per contra, learned APP for respondent No.1 and learned

Advocate for respondent No.2 strongly opposed the application and submitted that for some days after the marriage it appears that informant was treated properly, however, for some or the other reasons applicants used to pick up quarrels with her, used to drive her out of the house, send her to her parental home, used to insult her on the count that she is not good looking, educated and has not brought dowry in the house. The husband used to assault her under the influence of liquor. Thereafter, he started demanding amount of Rs.50,000/- for doing agriculture. After the birth of daughter they started again harassing, but after the birth of son she was treated properly for some days. The sister-in-law had given a phone call to father-in-law on 10.05.2022 and had talked something regarding the informant. All of them gathered together and made a demand of Rs.50,000/-, which she refused, then all the accused had assaulted her. The assault was to the extent that she became unconscious. Her father was called, who had then admitted her to Dr. Sarode Hospital, where she was kept in Intensive Care Unit. The husband refused to spend on her hospitalization and even refused to take her back for cohabitation. All these acts are amounting to cruelty. The children are also with informant. Neighbours to the house of father of informant have also supported the prosecution story. There are statements of Lady Police Head Constable Shobha Kautik Nhayde from Bharosa Cell, who has stated that when the

matter was taken up for mediation in her presence, threat was given and demand of Rs.50,000/- was made. The medical treatment papers are also collected, which show that she was admitted to hospital. Under such circumstance, it will not be a fit case where the proceedings should be quashed and set aside.

7 First of all, we are taking note of the conduct on behalf of applicants. Even after the mediation report came as 'failed', an attempt was there for deposit of amount and to have the mediation, now applicant No.1 is not responding.

8 Here, the statements of witnesses are supporting the informant. Though it appears that the marriage had taken place in 2014; yet even after birth of two children demand has been made and incident dated 10.05.2022 is then supported by documentary evidence. There are specific allegations against all the applicants and, therefore, we do not find this to be a fit case where this Court should exercise its powers under Section 482 of the Code of Criminal Procedure. Application stands rejected.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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