



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.4414 OF 2023

1. Mohammad Wasim s/o Mohammad Yaseen
Age: 28 years, Occu.: Business,
R/o. Galli No.12, Near Masjid Saleheen,
Peer Burhan Nagar, Tq. & Dist. Nanded.
**(As per order dated 18.12.2023 application
is disposed of as against applicant No.1)**
2. Mohammad Yasin Shaikh Ali,
Age: 65 years, Occu.: Business,
R/o. As above.
3. Rahimunisa Begum w/o Mohammad Yasin
Age: 60 years, Occu.: Household,
R/o. As above.
4. Mohammad Sami s/o Mohammad Yasin
Age: 29 years, Occu.: Business,
R/o. As above.
5. Mehajabeen Begum w/o Abdul Mohsin,
Age: 28 years, Occu.: Household,
R/o. Rehamat Nagar, Near Tawakkal
Kirana, Degloor Naka,
Tq. And Dist. Nanded
6. Rizwana Begum w/o Shaikh Khadar,
@ Rizwana Begum w/o Shaikh Usman
Age: 32 years, Occu.: Household,
R/o. Gauli Pura, Near Babu Sheth
Compound, Tq. And Dist. Nanded.
7. Shaikh Khadar s/o Shaikh Chunnumiya,
@ Shaikh Usman s/o Shaikh Chunnumiya,
Age: 38 years, Occu.: Business,
R/o. Gauli Pura, Near Babu Sheth
Compound, Tq. And Dist. Nanded.
8. Abdul Mohasin s/o Abdul Rashid
@ Mohammad Mohasin s/o Abdul Rashid
Age: 36 years, Occu.: Business,

R/o. Rehamat Nagar, Near Tawakkal Kirana,
Degloor Naka, Tq. And Dist. Nanded.

.. Applicants

Versus

1. The State of Maharashtra
Through its Investigation Officer,
Police Station, Bhagyanagar,
Dist. Nanded.
2. Sumaiya Muskan w/o Mohammad Wasim,
Age; 21 years, Occu.: Household,
At present R/o. Galli No.12,
Near Masjid Saleheen, Peer Burhan,
Tq. And Dist. Nanded.

.. Respondents

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Mr. A. D. Hande, Advocate for the applicants.

Mr. V. K. Kotecha, APP for respondent No.1/State.

Mr. Shaikh Wajeed Ahmed, Advocate for respondent No.2 (Appointed
Through Legal Aid).

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**CORAM : SMT. VIBHA KANKANWADI &
MANJUSHA DESHPANDE, JJ.**

DATE : 10 FEBRUARY 2025

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

. Present application has been filed under Section 482 of the
Code of Criminal Procedure initially for quashing the FIR vide
Crime No.242 of 2023 dated 23.06.2023 registered with
Bhagyanagar Police Station, District Nanded and later on by way
of amendment for quashing the proceedings in R.C.C No.1388 of
2023 pending before the learned 5th Joint Civil Judge Junior

Division and Judicial Magistrate First Class, Nanded for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code.

2. It will not be out of place to mention here that on 18.12.2023, when disinclination was shown to grant any relief in favour of applicant No.1, learned Advocate for the applicants, on instructions, sought withdrawal of the application in respect of applicant No.1 and accordingly, application was disposed of as withdrawn as against applicant No.1.

3. At the time of hearing, when disinclination is shown to grant any relief in favour of applicant Nos.2 to 4, learned Advocate for the applicants, on instructions, seeks withdrawal of the application in respect of applicant Nos.2 to 4. Hence, application stands disposed of as withdrawn in respect of applicant Nos.1 to 4. Matter proceeded for the reliefs claimed on behalf of applicant Nos.5 to 8 only.

4. Applicant Nos.5 and 6 are the sisters-in-law and applicant Nos.7 and 8 are the brothers-in-law of respondent No.2 and it is not in dispute that respondent No.2 got married to applicant No.1 on 14.03.2021.

5. Heard learned Advocate Mr. A. D. Hande for the applicants, learned APP Mr. V. K. Kotecha for respondent No.1/State and learned Advocate Mr. Shaikh Wajeed Ahmed for respondent No.2 (Appointed Through Legal Aid). In order to cut short it can be said that all the Advocates have made submissions in support of their respective contentions.

6. Perusal of the FIR and the contents of the charge-sheet would show that respondent No.2 accepts that her sisters-in-law are residing at their respective matrimonial homes, but she says that whenever they used to come to respondent No.2's house i.e. the parental house of applicant Nos.5 and 6, then at that time they used to harass her. Applicant Nos.8 and 7 are the husbands of applicant Nos.5 and 6 respectively. She also states that after six months of marriage, applicant Nos.5 and 6 started accusing her of committing theft, but she has not stated theft of which article. Demand certainly can be by these accused persons whenever they used to come, but it is such a vague term as she has not given a13 pts to how many times applicant Nos.5 to 8 had come to her matrimonial home. It appears that those allegations are just to rope married sisters-in-law and their husbands with ulterior motive and, therefore, it would be an

abuse of process of law to ask these persons to face the trial. Case is made out for exercise of inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Hence, the following order :-

ORDER

- I) Criminal Application stands allowed.
- II) The proceedings in R.C.C No.1388 of 2023 pending before learned 5th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Nanded arising out of Crime No.242 of 2023 dated 23.06.2023 registered with Bhagyanagar Police Station, District Nanded for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of Indian Penal Code, stands quashed and set aside as against applicant No.5 - Mehajabeen Begum w/o Abdul Mohsin, applicant No.6 -Rizwana Begum w/o Shaikh Khadar @ Rizwana Begum w/o Shaikh Usman, applicant No.7 - Shaikh Khadar s/o Shaikh Chunnumiya @ Shaikh Usman s/o Shaikh Chunnumiya, applicant No.8 - Abdul Mohasin s/o Abdul Rashid @ Mohammad Mohasin s/o Abdul Rashid.

[MANJUSHA DESHPANDE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm