



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 696 OF 2024

1. Raphik S/o. Rajjak Shaikh,
Age : 45 Years, Occu. : Teacher,
R/o. At Post Raiwadi, Tq. Loha,
Dist. Nanded.
2. Raeesa W/o. Raphik Shaikh,
Age : 31 Years, Occu. : Household,
R/o. At Post Raiwadi, Tq. Loha,
Dist. Nanded.
3. Ahmed bee W/o. Sadat Shaikh,
Age : 59 Years, Occu. : Household,
R/o. Abrar Colony, Beed Bypass,
Aurangabad.
4. Mobin S/o. Sadat Shaikh,
Age : 37 Years, Occu. : Pvt. Service,
R/o. Abrar Colony, Beed Bypass,
Aurangabad.
5. Abdul Azim S/o. Sadat Shaikh,
Age : 40 Years, Occu. : Pvt. Service,
R/o. Abrar Colony, Beed Bypass,
Aurangabad.

.... Applicants

VERSUS

1. The State of Maharashtra.
2. Ishrat Jahan W/o. Naeem Shaikh,
Age : 28 Years, Occu. : Service,
R/o. Noor Patel Colony, Udgir Gramin,
Dist. Latur.
At present Residing At
Plot No.17, Gut No.13, Sai Nagar,
Near Amer Nagar, Infront of M. Square
Building, Beed Bypass, Aurangabad.

.... Respondents

....
Advocate for Applicants : Ms. Shaikh Afreen
APP for Respondent No.1-State : Mr. S.A. Gaikwad
Advocate for Respondent No.2 : Mr. Parag V. Barde
....

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

Dated : 23rd April 2025

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

1. Heard learned Advocate for both the 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.507 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, Udgir, Dist. Latur, arising out of Crime bearing No.0666 of 2023, registered at Udgir Gramin Police Station, Dist. Latur, dated 02.12.2023, 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.”).

3. Learned Advocate for the applicants pointed out the report dated 02.12.2023, in which respondent No.2/informant averred that applicant No.2 is her sister-in-law, applicant No.1 is the

husband of applicant No.2, applicant No.3 is her mother-in-law and applicant Nos.4 and 5 are her brothers-in-law.

4. The informant further averred in her report that she married with the son of applicant No.3 on 10.06.2020, as per rites and rituals of Muslim religion. In her marriage, ten Tolas gold, twenty five Tolas silver ornaments and articles were given. Total expenses of Rs.7 lakhs were incurred for her marriage. She was treated well for two months. Thereafter, all the applicants and her husband started to harass her. They insisted her to do a job at Aurangabad. She said that if she works at Pune along with her husband, she will get more salary. On that count, quarrel started between them. She intimated that fact to her parents. They came and convinced the applicants. However, they were abusing her and keeping her on starvation.

5. The informant further averred in her report that in the month of May 2021, her father-in-law demanded Rs.5 Lakhs to her for starting a medical shop while she was going for Eid festival to her parents house. That time, she told that fact to her father. Her father said to her that he is not having money due to expenses borne by him in her marriage. She told that difficulty to her husband and applicants. That time, her father-in-law started to harass her.

Therefore, she became ill. That time, her father-in-law blamed that she is suffering from illness prior to the marriage and said to her to bring the money for medical treatment from her father.

6. The informant further averred in her report that her health was deteriorated while she was pregnant. She was admitted to the hospital. Her parents came to visit her. That time, her father-in-law demanded Rs.15,000/- for expenses of the hospital. Accordingly, her father gave that money. Her in-laws expelled her from the house as her parents could not fulfil the demand of Rs.5 Lakhs for starting a new medical shop.

7. The informant further averred in her report that, on 24.05.2022, she was expelled from the house. Therefore, she came to reside with her parents at Udgir. On 25.09.2023, at about 11.00 a.m., when she was at her parents house, her father-in-law came there and demanded Rs.5 Lakhs. He said to her parents that if your daughter wants to cohabit, you have to pay Rs.5 Lakhs, otherwise we will not allow her to cohabit. She was treated with mental and physical cruelty by keeping her on starvation and abusing and beating her. Lastly, the informant averred that, she was expelled for the demand of Rs.1 Lakh and threatened to kill her. Therefore, the report is lodged.

8. Learned Advocate for the applicants submitted that the applicants are falsely implicated in the crime. Names of the applicants are mentioned in the F.I.R. However, how these applicants harassed is not stated by the informant in the report and by the witnesses in their statements, who are relatives of the informant. Most of the allegations are made by the informant against her father-in-law, who is not a party to this proceeding. The applicants have never treated the informant with cruelty. The essential ingredients of Sections 498-A, 323, 504, 506 of I.P.C. are not establishing against the applicants from the entire charge-sheet. If the applicants are compelled to face the trial, it would certainly be an abuse of process of Court. It is lastly prayed to allow the application by quashing the report and charge-sheet against the applicants.

9. Learned APP for the State strongly opposed the application and submitted that there is a strong evidence of cruelty against the applicants. Their names are mentioned in the F.I.R. The applicants treated the informant with cruelty by making illegal demand of money, abusing her. The applicants did not take care of the informant when she was pregnant and refused to incur medical expenses for her. There is a strong evidence of causing of cruelty

against the applicants supported by evidence of witnesses. It is lastly prayed to reject the application.

10. Learned Advocate for respondent No.2/informant also strongly opposed the application and submitted that the applicants are involved in the serious crime. They have treated the informant with cruelty by making illegal demand of money, abusing her and they have caused physical and mental cruelty. The specific incidents are stated by the informant in the report. There are statements of witnesses which are corroborating with the version of the informant. Names of the applicants are mentioned in the F.I.R. There is a strong evidence against the applicants to proceed further with the trial. In such a fact situation, the application deserves to be rejected as there is a reliable evidence against the applicants. Lastly, he prayed to reject the application.

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

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 report and statements of the witnesses. The witnesses have stated similar facts as stated by the informant. They have added that applicant No.2 and her husband/applicant No.1 were saying to the informant that her relatives are beggar and their hospitality was not done in the marriage. Mainly the allegation of demand of Rs.5 Lakhs is made against the father-in-law of the informant, which was required for their medical shop. However, he is not a party to this application. Husband of the informant is also not a party to this application. On face value of the report, it is not clarified by the informant as to when applicant Nos.1 and 2 came at Aurangabad and harassed her. It is also not specifically stated as to when applicant No.3/mother-in-law, applicant Nos.4 and 5/brothers-in-law harassed the informant for the amount of Rs.5 Lakhs.

13. Considering all above aspects and law laid down in above cited cases, the essential ingredients of Sections 498-A, 323, 504, 506 of I.P.C. are not establishing against the applicants. We are of the

considered view that, if the applicants are compelled to face the trial, it would certainly be an abuse of process of Court. This is a fit case in which the report and charge-sheet can be quashed. We are, therefore, inclined to allow the application by invoking our inherent powers under Section 482 of Cr.P.C., in the interest of justice to prevent the abuse of process of Court. The application deserves to be allowed. Hence, the following order.

ORDER

- I) The application stands allowed.
- II) The First Information Report and charge-sheet in R.C.C. No.507 of 2023, pending before the learned Judicial Magistrate First Class, Udgir, Dist. Latur, arising out of Crime bearing No.0666 of 2023, registered at Udgir Gramin Police Station, Dist. Latur, dated 02.12.2023, for the offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 stands quashed against the applicants.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE