



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CRIMINAL APPLICATION NO. 920 OF 2024

1. Shaikh Musaddiq Shaikh Azhar
(Husband)
Age: 26 years, Occu: Labour.
R/o Near Abu Bakar Masjid,
Wahid Nagar, Balepeer
Taluka and District: Beed.
2. Shaikh Azhar Shaikh Rahim
(Father-in-law)
Age:- 55 years, Occu- Nil.
R/o: Near Abu Bakar Masjid,
Wahid Nagar, Balepeer
Taluka and District: Beed.
3. Sameema Begum w/of Shaikh Azhar
(Mother-in-law)
Age: 43 years, Occu: Housewife,
R/o: Near Abu Bakar Masjid,
Wahid Nagar, Balepeer
Taluka and District: Beed.
4. Shaikh Siddique Shaikh Azhar
(Brother-in-law)
Age: 28 years, Occu: Nil.
R/o: Near Abu Bakar Masjid,
Wahid Nagar, Balepeer
Taluka and District: Beed.
5. Aziza Begum Shaikh Siddique
(Sister-in-law)
Age: 22 years, Occu: Housewife,
R/o: Near Abu Bakar Masjid,
Wahid Nagar, Balepeer
Taluka and District: Beed.
6. Shaikh Mubasshir Shaikh Azhar
(Brother-in-law)

Age: 24 years, Occu: Nil.
R/o: Near Abu Bakar Masjid,
Wahid Nagar, Balepeer
Taluka and District: Beed.

- 7 Shaikh Muzammil Shaikh Azhar
(Brother-in-law)
Age: 20 years, Occu:Nil.
R/o: Near Abu Bakar Masjid,
Wahid Nagar, Balepeer
Taluka and District: Beed.

... Applicants

Versus

1. The State of Maharashtra
Through Police Inspector,
Nilanga Rural Police Station,
Tq-Nilanga, Dist. - Latur.
2. Tabassum Begum Shaikh Musaddik Shaikh
Age: 33 years, Occu-Nil,
R/o: Village-Taroda,
Taluka and District – Parbhani.

... Respondents

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Mr. Muhammad Aseem, h/f Mr. Tauseef Yaseen Sayyed, Advocate for Applicants.

Mr. A. D. Wange, APP for Respondent / State.

Mr. Ziya Jakeriya Pathan, Advocate for Respondent No.2.

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

RESERVED ON : 21st April, 2025.

PRONOUNCED ON : 30th April, 2025.

ORDER: (Per Sanjay A. Deshmukh, J.)

1 Heard the learned advocates for the respective parties.

2 This application is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short “the Cr.P.C.”) for quashing of the report (for short the “FIR”) bearing Crime No.207 of 2023, dated 1st August, 2023, registered with Parbhani (Rural) Police Station, District Parbhani, for the offences punishable under Sections 498-A, 323, 504 and 506 read with 34 of the Indian Penal Code, 1860 and the consequential charge-sheet in the said crime, for the offences punishable under Sections 498-A, 494, 323, 504 and 506 of the Indian Penal Code, 1860.

3 After hearing the learned Advocates for both the sides, when this Court expressed disinclination to grant relief of quashing the report and the charge-sheet against applicant No.1, the learned counsel for the applicants, on instructions, seeks leave to withdraw his application. Leave granted.

4 Applicant Nos.2 and 3 are the parents-in-law of the informant / respondent No.2. Applicant Nos.4, 6 and 7 are the brothers-in-law and applicant No.5 is the sister-in-law of the informant.

5 The informant averred in the report that she married with the son of applicant Nos.1 and 2 on 4th December, 2022 as per the Muslim religious customs at Bukhari Masjid, Parbhani. Thereafter, she went for cohabitation with her husband. Initially she was treated well for about two months. Thereafter, the applicants started to harass her by saying that she is stammering, she is unable to work properly in the house. Other applicants were instigating her husband. Therefore, he was treating the informant with cruelty. All the applicants demanded Rs.5,00,000/- for purchasing the vehicle to the informant. After four months of the marriage, all the applicants left her to her parents' house by auto rickshaw at Taroda. They took quarrel with her parents. At that time, she was two months pregnant. The applicants threatened that if she brings Rs.5,00,000/- then only she will be allowed to cohabit and if she came with empty hands, they will eliminate her.

6 The informant further averred that on 27th May, 2023, she came to know that her husband is marrying with another woman. Therefore, the informant and her father went to her matrimonial home. At that time, her husband and the applicants slapped the informant and her father. She came to know that her husband has performed marriage with one Reshma Begum Farid Khan, resident of Taluka Selu, District Parbhani. Due to the physical assault by the accused, the informant was admitted in the government hospital at Beed for

treatment. She was beaten. Therefore, she sustained injuries to her stomach and head. Therefore, she was shifted to the hospital at Parbhani. There she was treated till 30th May, 2023. Her parents requested the applicants and husband of informant to take her back for cohabitation. But they were saying that the informant couldn't speak or work properly. They demanded money and refused to take her back for cohabitation. They. Therefore, she lodged the report.

7 The learned counsel for the applicants submits that the applicants are falsely implicated in the crime. There are vague and general allegations against them. No specific incident is stated by her against the applicants. There is no cogent and acceptable evidence against the applicants. He submitted that it will be an abuse of the process of the Court, if the applicants are compelled to face the trial. He lastly prayed to allow the application by quashing the report and the charge-sheet.

8 The learned APP for the State strongly opposed the application and submitted that the applicants are involved in the serious crime. Their names are mentioned in the report. The applicants demanded Rs.5,00,000/- to the informant for purchasing the vehicle. They have committed anti-social crime. He lastly prayed to reject the application.

9 The learned counsel for the informant / respondent No.2 also strongly opposed the application. He submitted that the names of the applicants are mentioned in the report. They are involved in serious crime of illegal demand, which is punishable under Section 498-A of the IPC. They treated the informant with cruelty. They demanded money to the informant for purchasing the vehicle. He lastly prayed to reject the application.

10 Here, it is relevant to refer to the decision of the Honourable Supreme Court in ***Mohammad Wajid and Another Vs. State of U.P. and Another***, reported in, ***2023 SCC Online SC 951; 2023 INSC 683***, whereunder the Honourable Supreme Court held thus:-

“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....”

11 A reference also can be made to the judgment in the case of ***CBI Vs. Aryan Singh***, reported in, ***2023 SCC Online SC 379***, in which the Honourable Supreme Court held as under:-

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

12 We have perused the report and the charge-sheet, particularly, the statements of witnesses. An amount of Rs.5,00,000/- was demanded by the husband of informant to her when she was left at her parents’ house. The application of applicant No.1 is withdrawn. The allegations made against applicant Nos.2 to 7 are general, vague and omnibus in nature. From the said allegations, it cannot be established that applicant Nos.2 to 7 have treated the informant with cruelty. No specific incident is stated by the informant as to when applicant Nos.2 to 7 have treated the informant with cruelty. Considering all these reasons, it is crystal clear that the allegations made against applicant Nos.2 to 7 are not establishing essential ingredients of Sections 498-A, 494, 323, 504 and 506 of the IPC.

Considering all these aspects together, we are of the view that if applicant Nos.2 to 7 are directed to face the trial, it would certainly be an abuse of the process of Court. We are therefore, inclined to allow the application to the extent of applicant Nos.2 to 7 by exercising our inherent powers under Section 482 of the Cr.P.C. in the interest of justice to prevent the abuse of the process of Court. The application, therefore, deserves to be partly allowed. Hence, the following order:-

ORDER

- I. The application of applicant No.1 stands dismissed as withdrawn.
- II. The application is allowed in terms of prayer clauses (B) and (B-1) to the extent of applicant Nos.2 to 7 only.
- III. The application stands disposed of.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]

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