



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4000 OF 2024

1. Mirza Khalid Baig S/o Mirza Sujat Baig
Age: 48 years, Occu: Medical Practitioner
(at present bed ridden)
R/o: Near Balbhim Chowk, Beed,
Tq- & Dist- Beed.
[Husband] (withdrawn)
2. Akhtar Sultana W/o Mirza Shujat Baig
Age-62 Years, Occ- Household,
R/o as above.
[Mother-in-Law] (withdrawn)
3. Mirza Mujahid Baig S/o Mirza Shujat Baig
Age-48 Years, Occ- Medical Practitioner,
R/o: Street No. 13,
Near Saeeda Masjid,
Rahemaniya Colony, Jaswantpura,
Chh. Sambhajinagar (Aurangabad).
[Brother-in-Law]
4. Mirza Asmatara Anjum D/o Mirza Shujat Baig
Age-37 Years, Occ- Medical Practitioner,
R/o: Near Balbhim Chowk, Beed,
Tq- & Dist-Beed
[Sister-in-law]
5. Humeraara Anjum D/o Mirza Shujat Baig
Age-46 Years, Occ- Household,
R/o Balbhim Chowk, Beed,
Tq- & Dist-Beed.
[Sister-in-Law]
6. Ahmed Baig S/o Mujahid Baig
Age- 18 Years, Occ- Education,
R/o Balbhim Chowk, Beed,
Tq- & Dist- Beed.
[Son of Brother-in-law (Applicant No.3)]
7. Husna Asmatara D/o Mirza Shujat Baig
Age-44 Years, Occ- Household,

R/o Plot No. 75, Times Colony,
Aurangabad, Tq- & Dist- Aurangabad.
[Sister-in-Law]

8. Sarvatara Anjum D/o Mirza Shujat Baig
Age-43 Years, Occ- Service,
R/o: Times Colony, Aurangabad,
Tq- & Dist- Aurangabad. ...Applicants

Versus

1. The State of Maharashtra,
Through Shivajinagar Police Station,
Nanded, Tq: and Dist: Nanded.
2. Fouziya Mariyam W/o Mirza Khalid Baig
Age-39 Years, Occ- Household,
R/o: C/o: Imran Mujeeb Pasha,
Opposite Hanuman Mandir, Shivajinagar,
Labour Colony, Nanded,
Tq- & Dist- Nanded. ...Respondents

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Mr. G.R. Syed, Advocate for the applicants
Mr. S.A. Gaikwad, A.P.P. for the respondent No.1
Mr. Rahil Kazi, Advocate for respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.
DATED : 13th JUNE, 2025**

O R D E R (PER SANJAY A. DESHMUKH, J.) :-

1. Heard the learned advocates for the respective parties.
- 2 This is an application filed under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") for quashing the F.I.R. No.272 of 2023, dated 18.8.2023 registered with Shivajinagar Police Station, Nanded, District Nanded, for the offences punishable

under Sections 498-A, 294, 323, 504 r.w. 34 of the Indian Penal Code, 1860 (for short "the I.P.C.") and the consequential criminal case bearing R.C.C. No. 1627 of 2024 pending before the Judicial Magistrate First Class, Nanded, District Nanded.

3. After hearing for some time, when this court showed disinclination to grant relief to applicant Nos.1 and 2, learned advocate for the applicants, on instructions, seeks leave to withdraw the application of applicant Nos. 1 and 2. Leave granted. The application to the extent of applicant Nos. 1 and 2 stands dismissed as withdrawn.

4. The informant averred in the report that the applicant No.3 is her brother in law, applicant Nos, 4, 5, 7 and 8 are her sisters in law whereas applicant No.6 is son of applicant No.3.

5. The informant averred in the report that she married with co-accused Mirza Khalid Baig on 18.1.2021, who is doctor by profession. In the said marriage, gold ornaments of seven Tolas, amount of Rs.6,51,000/- and other household articles were given. Her husband was serving as Medical Officer at Nalwandi, Tq. and District Beed as a Medical Officer. Thereafter, he was transferred to Primary Health Center, Akola Bazar, District Yeotmal. The informant

went there with him for cohabitation. She was treated well initially for two months. Thereafter, on 18.3.2021, her mother in law, applicant No.3 brother in law and applicant No.4 sister in law came to her. They started to harass her for simple and trifling reasons, frequently. They were demanding Rs.25,00,000/- for starting private hospital by her husband.

6. The informant further averred that after her husband was transferred at Nalwandi, Tq. and district Beed, all the applicants came to reside at Shujaet Hospital, Balbhim Chowk, Near Jama Masjid, Beed. All the applicants started to say that she is having black complexion. She is not suitable to the status of their family. She is not able to procreate a child. She is jinx for them. They were also abusing and beating her by fist and kick blows. They starved her. They threatened that if she want to cohabit properly, she has to bring an amount of Rs.25,00,000/-. She was beaten. They drove her out of the house. Thereafter, she went to her parents house at Nanded. She told about that incident to her mother and brother. On 28.2.2023 her parents treated her in Government Hospital, Vishnupuri, Nanded. Since she was residing with her parents, she applied to Women Assistance Cell for compromise. The Women Assistance Cell conducted counselling but the applicants and other co-accused were not ready to cooperate for the compromise. At that time, applicant

No.3 abused her in filthy language and said that they will not allow her to cohabit with her husband. He threatened that they will get all the cases filed by his brother on the basis of false medical certificates, transferred to High Court, Bench at Aurangabad and harass her by compelling her to attend the proceedings. The brother in law also threatened her that they will teach her a lesson. Thereafter, she lodged the report against the applicants and her husband and mother in law on 18.8.2023.

7. The learned counsel for the applicants submits that the report is lodged afterthought and belatedly by implicating the applicants falsely. There is no cogent and acceptable evidence against the applicants. The allegations are vague and general in nature as against the applicants. The applicant Nos.4, 5, 7 and 8 are married sisters in law and they are residing at their respective matrimonial homes. Since these applicants are close relatives of the husband of informant and only in order to implicate the entire family and the relatives, the report has been falsely lodged, without cogent evidence against them. Therefore, he prayed to quash the report as well as the charge sheet. He lastly prayed to allow the application.

8. Learned A.P.P. for respondent No.1 State and learned advocate for respondent No.2 strongly opposed the application by

submitting that the applicants have treated the informant with cruelty, physically as well as mentally. There was a consistent demand of Rs.25,00,000/- to start a private hospital for the husband of the informant. The applicants and other accused persons have caused harassment to the informant mentally as well as physically for non fulfillment of demand of money. The names of the applicants are mentioned in the report. The specific roles by mentioning their names are attributed to each of the applicants. They cannot be exonerated from the criminal liability under Sections 498-A, 294, 323, 504 r.w. 34 of I.P.C. It is lastly prayed to reject the application.

9. 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....”

10. 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.”

11. We have perused the charge sheet, particularly the report and the statements of the witnesses. The witnesses have stated similar facts as stated by the informant. However, no specific incident is stated with specific role of each of the applicants as to how they treated the informant with cruelty. The informant was residing with her husband for initial days. Except applicant No.6, all the applicants are brother in law and sisters in law who are married and are residing at different places like Beed, Chhatrapati Sambhajinagar etc. It appears that there is no specific allegations against these applicants as to who has abused and beaten the informant. This shows that vague and general allegations are made against the applicants.

12. From the allegations of harassment made by the informant and the statements of witnesses, offences punishable under Sections 498-A, 294, 323, 504, 506 r/w 34 of the I.P.C. are not established.

Thus, on such vague and general allegations, compelling the applicants to face the trial, would be an abuse of process of the court. The case is made out for exercise of our inherent powers under section 482 of the Cr.P.C. We are therefore, inclined to allow the application, in the interest of justice and to prevent the abuse of process of the Court. Hence, the following order:-

ORDER

- I. The application is partly allowed.
- II. The F.I.R. No.272 of 2023, dated 18.8.2023 registered with Shivajinagar Police Station, Nanded, District Nanded, for the offences punishable under Sections 498-A, 294, 323, 504 r.w. 34 of I.P.C. and the consequential criminal case bearing R.C.C. No. 1627 of 2024 pending before the Judicial Magistrate First Class, Nanded, District Nanded, stands quashed as against the applicant Nos. 3 to 8.

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

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