



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 CRIMINAL APPLICATION NO.4921 OF 2024

- 1 Wajid Hanif Qureshi,
 Age 28 yrs., Occ. Business,
 R/o Near Qureshi Masjid,
 Sillekhana, Chhatrapati Sambhajinagar.
- 2 Mohd. Hanif Qureshi s/o Abdul Razzak Qureshi,
 Age 63 yrs., Occ. Business,
 R/o Near Qureshi Masjid,
 Sillekhana, Chhatrapati Sambhajinagar.
- 3 Farzana Bee w/o Mohammad Hanif Qureshi,
 Age 49 yrs., Occ. Household,
 R/o Near Qureshi Masjid,
 Sillekhana, Chhatrapati Sambhajinagar.
- 4 Majid Hanif Qureshi,
 Age 32 yrs., Occ. Business,
 R/o Near Qureshi Masjid,
 Sillekhana, Chhatrapati Sambhajinagar.

... Applicants

... **Versus** ...

- 1 The State of Maharashtra
 Through Police Station,
 Kranti Chowk, Aurangabad.
- 2 Gulshad Begum w/o Rais Qureshi,
 Age 48 yrs., Occ. Household,
 R/o Near Bada Takiya Jama Masjid,
 Sillekhana, Chhatrapati Sambhajinagar.

... Respondents

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Mr. A.R. Shaikh, Advocate and Mr. V.S. Sakhare, Advocates for applicants

Mrs. Priya R. Bharaswadkar, APP for respondent No.1

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

DATE : 01st APRIL, 2025

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

1 Present application has been filed for quashment of proceedings in Regular Criminal Case No.2128/2024 pending before learned Judicial Magistrate First Class, Aurangabad arising out of First Information Report vide Crime No.187/2024 dated 14.06.2024 registered with Police Station, Kranti Chowk, Aurangabad, for the offence punishable under Sections 304-B, 306, 498-A, 323, 504 read with Section 34 of the Indian Penal Code, 1860.

2 Heard learned Advocate Mr. A.R. Shaikh for applicants and learned APP Mrs. Priya R. Bharaswadkar for respondent No.1. There is no necessity to issue notice to respondent No.2.

3 Respondent No.2 had filed the impugned First Information Report. She is mother of deceased Nikhat Anjum, whose marriage was performed with applicant No.1 on 27.02.2021. Learned Advocate for

applicants submits that applicants had no intention to commit any offence and in fact, suicide has been committed in the house of informant. Though it is now stated that applicant No.1 and deceased used to stay separately on the second floor of said house, certainly, other applicants i.e. applicant No.2 – father-in-law, applicant No.3 – mother-in-law and applicant No.4 – brother-in-law had no control over applicant No.1 and deceased's life. Applicants never demanded any money nor ill-treated the deceased. Therefore, it would be an abuse of process of law if applicants are asked to face the trial.

4 As aforesaid, informant's daughter Nikhat got married to applicant No.1 on 27.02.2021 and it is alleged in First Information Report that after marriage she was treated properly for about two months. Thereafter, all the applicants started saying that she is not good looking, unable to work properly and dowry is not sufficiently given by her parents. On that count Nikhat was ill-treated mentally and physically, which she used to disclose to her relatives. There was an attempt to persuade, but there was no change in the behaviour of applicants. A year prior to First Information Report applicants had demanded an amount of Rs.1,00,000/- and for fulfilling the same deceased was abused and assaulted and sent to her parents home. Applicants were called and an amount of Rs.1,00,000/- was given. After some days applicants started saying that as less amount has

given as dowry, she should bring amount of Rs.5,00,000/- as dowry for construction of house. Repeated demands were made and as the demand was not fulfilled, deceased was harassed mentally and physically. Even two persons mediated viz. Iqbal @ Asif Khurshid Qureshi and Azhar Abbas Qureshi, but there was no change in the behaviour of applicants. Applicant No.1 is addicted to vices and, therefore, then Nikhat and applicant No.1 came to stay in the room on the second floor of house of informant a month prior to First Information Report. Applicant No.1 used to come even late night and used to abuse Nikhat. It is then stated that deceased committed suicide on 13.06.2024.

5 We have perused the entire documents in charge sheet. Basically, we were worried about the spot panchnama and the position in which the girl was found dead. Even when spot panchnama was executed, the said situation as stated in First Information Report has been given. It is stated that she was found in hanging position to a big iron stool and her both legs were in a position of folding touching the floor. Though police have invoked Section 306 of the Indian Penal Code; yet, they have also invoked Section 304-B of the Indian Penal Code. Under such circumstance, basically when the girl was found in a mysterious circumstances, whether the case would fall under Section 304-B or Section 306 of the Indian Penal Code,

would be a question, which can be gone into at the time of trial. Further, we also consider the scope under Section 173(8) of the Code of Criminal Procedure, which can be utilized by the trial Court. There are allegations regarding ill-treatment and separation in stay as per First Information Report is since a month prior to the incident. We do not take this to be a fit case where we should exercise our powers under Section 482 of the Code of Criminal Procedure. Hence, the application stands rejected at the threshold.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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