

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 5870 OF 2024

Mrs. Shirin Abdul Kader Shaikh and Ors. Petitioners
V/s.
The State of Maharashtra and anr. Respondents

Mr. Anand Mishra a/w. Mr. Indraraj P. Yadav for the Petitioners.
Ms. Sangeeta Shinde, APP for the Respondent No.1 – State.
Ms. Ilsa Shaikh for Respondent No.2.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATED : 10th NOVEMBER, 2025

P.C. :-

- 1) The Petitioner No.1, the mother-in-law, Petitioner No.2, the brother-in-law and the Petitioner No.3, the sister-in-law of the Respondent No.2 have filed this Petition praying for quashing and setting aside of the FIR No.1465/2024 dated 13/06/2024 registered with Mumbra Police Station, Thane under Sections 498-A, 354, 406, 323, 504, 506 read with 34 of the Indian Penal Code, 1860.
- 2) Heard Mr. Anand Mishra, learned Counsel for the Petitioners, Ms. Sangeeta Shinde, learned APP for the Respondent No.1 – State and Ms. Ilsa Shaikh, learned Counsel for Respondent No.2 – the Complainant.
- 3) The said FIR came to be registered against the Petitioners on the Report filed by Respondent No.2 on 13/06/2024. Zaid Abdul Kader Shaikh, husband of Respondent No.2 is also accused in the said crime.

During investigation, police recorded statement of the relatives of Respondent No.2 who supported the allegations made in the FIR. On culmination of the investigation, police submitted the charge-sheet.

4) Learned Counsel for the Petitioners would submit that the allegations in the FIR are not only vague but also false. The FIR has been lodged only on account of trivial family quibble and the material collected during the course of the investigation is not sufficient to prosecute the Petitioners. Therefore, the said FIR and the consequent proceedings may be quashed.

In contrast, learned APP submitted that the cruelty caused to Respondent No.2 by the Petitioners and her husband is well narrated in her Report which lead to registration of the crime and said narration is supported by the statement of the witnesses. Therefore, at this stage, it cannot be accepted that the allegations of cruelty etc. against the Petitioners are vague and false, hence, the Petition may be dismissed.

The learned Counsel for Respondent No.2 supported these submissions.

5) In the light of the rival submissions, we have considered the Petition and the charge-sheet produced on record.

The FIR and the statements of the witnesses reveal that, the Respondent No.2 got married with Zaid Shaikh on 20/02/2021 and after the marriage, she went to cohabit with her husband. She was jointly

residing with her husband, Petitioner Nos.1 and 2. It is alleged that, after one week of the marriage, Petitioner Nos.1 and 2 abused and taunted her on account of trivial issues. They were not giving her food. She complained about the same to her husband, but, he abused and threatened her. The Petitioner Nos.1 and 2 were not allowing her to talk with her family and relatives. Furthermore, it is alleged that, when the Respondent No.2 was pregnant, Petitioner Nos.1 and 2 forced her to perform the household work for the entire day without providing her with food, which consequently affected her health.

However, we find that these allegations are vague because no specific date or period is stated, when the said harassment is alleged to be caused to Respondent No.2.

6) It is stated that, the Petitioners had sent the Respondent No.2 at her parents house for her delivery purpose and after 5 months of the delivery, she had returned to her matrimonial house. It is alleged that whenever Respondent No.2 used to feed her child in her bedroom, Petitioner No.2 used to follow her there and stare at her and touched her in an inappropriate manner on the pretext of taking her child from her arms and thus, he was outraging her modesty.

It is alleged that, Petitioner No.3 was residing separately, at Thane, however, whenever she was visiting the Petitioners' house, the Petitioner No.3 used to instigate the husband and mother-in-law of

Respondent No.2 and she abused the Complainant and threatened her that they would get her husband married with another girl. When Respondent No.2 objected her, the Petitioner No.3 assaulted her.

However, no specific date or period of such instances are mentioned in the Report.

There is also an allegation that the Petitioners have misappropriated her gold ornaments, however, the details thereof are not furnished as it is not discernible from the record as to in whose custody the ornaments were given and when.

7) As held by the Hon'ble Supreme Court in a recent decision between **Digambar and Another vs. the State of Maharashtra and Another**¹, mere cruelty is not enough to constitute the offence of Section 498A of I.P.C. as it must be done with the intention to cause grave injury or drive the victim to commit suicide or inflict grave injury to herself. In the case of **Dara Lakshmi Narayana and Others vs. State of Telangana and Another**², vague allegations of cruelty were levelled in the F.I.R. by the complainant therein (wife) and the relatives of the husband (including the parents-in-law) were dragged into the crime without any reason. The F.I.R. lacked precise allegations and, it was lodged after the legal notice for Divorce was sent by the said complainant and it was therefore concluded that the F.I.R. came to be lodged as a retaliatory measure intended to settle score with the

1 2024 INSC 1019

2. 2024 SCC OnLine SC 3682

husband and his relatives.

8) In the case of **Digambar and Another** [supra], the Hon'ble Supreme Court followed the decision in **Dara Lakshmi Narayana** [supra], therein in paragraph 25 when the Hon'ble Supreme Court observed as under :

“25. A mere reference to the names of family members in a criminal case arising out of a matrimonial dispute, without specific allegations indicating their active involvement should be nipped in the bud. It is a well-recognised fact, borne out of judicial experience, that there is often a tendency to implicate all the members of the husband's family when domestic disputes arise out of a matrimonial discord. Such generalised and sweeping accusations unsupported by concrete evidence or particularised allegations cannot form the basis for criminal prosecution. Courts must exercise caution in such cases to prevent misuse of legal provisions and the legal process and avoid unnecessary harassment of innocent family members. ...”

9) In the case in hand, till 16/09/2023 the Respondent No.2 did not file any complaint against the Petitioners and since then, she has been residing with her brother. However, the present FIR has been filed on 13/06/2024, involving all the members of her husband's family leveling vague allegations against Petitioner No.2, her brother-in-law and all other Petitioners, which are without any details.

10) In the wake of above, causing the Petitioners to face the prosecution based on the aforesaid allegations, will amount to abuse of process of law. Hence, we are inclined to allow the Petition and pass the following Order :-

(a) The FIR No.1465/2024 dated 13/06/2024 registered with Mumbra Police Station, Thane and the proceedings arising out of the subject FIR are quashed and set-aside *qua* the Petitioners.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)

PREETI
HEERO
JAYANI

Digitally signed by
PREETI HEERO
JAYANI
Date: 2025.11.15
17:41:30 +0530