



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

CRIMINAL APPLICATION (APL) NO.1054 OF 2024

APPLICANTS
(Husband)

(mother in law)

(brother in law)

(sister in law)

(sister in law)

- : 1) Mohammad Shoeb Mohd. Harun,
aged about 38 years, Occ. Private.
- 2) Fardabi Mohammad Harun, aged
about 69 years,
- 3) Mohd. Faruque Mohd. Harun, aged
50 years,
- 4) Naziya Anjum Mohd. Faruque, aged
35 years,
- 5) NasiyaAnjum @ Guddi Mohd.
Harun, aged about 40 years, All R/o
Ward No.1, Atali, Tah. Tah.
Khamgaon, District Buldhana.

..VERSUS..

NON-APPLICANTS

- : 1) State of Maharashtra through Police
Station Officer, Police Station, Shivaji
Nagar, Khamgaon, District Buldhana.
- 2) Mehvishnaz Mohammad Shoeb, aged
about 27 years, Occ. Household, R/o.
Bade Plot, Khamgaon, District
Buldhana.

Mr. M.A. Vishnu, Adv. a/w Mr. S.K. Wankhade, Adv. for Applicants.
Mr A.R. Chutke, A.P.P. for the Non-applicant No.1/State.
Mr. C.R. Sharma, Advocate for Non-applicant No.2.

CORAM : **ANIL S. KILOR AND**
MRS. VRUSHALI V. JOSHI, JJ.

DATE : **01/07/2025**

ORAL JUDGMENT : (Per : Anil S. Kilor, J.)

1. Heard.

2. **Rule.** The Rule is made returnable forthwith. Heard finally by consent of learned counsel for the respective parties.

3. By the present application filed under Section 548 of the Bharatiya Nagarik Suraksha Sanhita, 2023, a prayer is made for quashing of First Information Report No.186 of 2024, dated 28.06.2024, registered with Police Station, Shivaji Nagar, Dist. Buldhana, for the offences punishable under Sections 498-A read with Section 34 of the Indian Penal Code.

4. At the outset, the learned counsel for the applicants states that, he does not want to press the application against the applicant No.1.

Accordingly, the criminal application is **disposed of** as withdrawn against the applicant No.1 – Mohammad Shoeb Mohd. Harun.

5. It is the case of the prosecution that, the non-applicant No.2 who is the wife of applicant No.1 lodged complaint on 12.06.2024 stating therein that, her marriage was performed with the applicant No.1 on 02.02.2020. It is alleged that, her parents gave golden ornaments, refrigerator, cooler, washing machine etc. and spent Rs.15,00,000/- in the marriage. It is stated that, on the demand of accused, a bigger cot was also requested therefore, some additional gifts and bigger cot were given. Despite the same, the accused used to abuse her in filthy language, harass and beat her.

6. There are similar nature of allegations about the harassment and ill-treatment, if the allegations against the applicants are considered. The allegations are vague and general.

7. The applicant No.2 is mother-in-law, applicant No.3 is brother-in-law and applicant Nos.4 and 5 are sisters-in-law of the non-applicant No.2. Against these applicants, there are no specific allegations or details about any incident, namely the date, place, or other necessary and basic information is provided.

8. The Hon'ble Supreme Court of India has time and again observed that the tendency of falsely implicating the family members of the husband in the matters of family discord is on the rise, and therefore, the Court needs to be more cautious and shall try to find out whether there is any substance in the complaint or whether it is made with an oblique motive to harass and torture the family members of the husband.

9. In the present matter, as we have already observed that vague and general allegations have been made against the in-laws by the non-applicant No.2. Thus, it appears that the complaint is nothing but arms twisting. Therefore, it would be abused of process of law if the applicant Nos.2 to 5 are compel to face the trial.

10. The learned A.P.P. and the learned counsel for the non-applicant No.2 however, strongly opposed the application. Since we are of the opinion that even if the allegations made in the FIR are taken on its face value, no offence constitutes against the applicant Nos.2 to 5 as alleged, we pass the following order:-

- i) The Criminal Application is **partly allowed**.
- ii) The Criminal Application is **allowed in favour of Applicant Nos.2, 3, 4 and 5** and thereby, First Information Report No.186 of 2024, dated 28.06.2024, registered with Police Station, Shivaji Nagar, Dist. Buldhana, for the offences punishable under Sections 498-A read with Section 34 of the Indian Penal Code, is hereby quashed and set aside.

Rule is made absolute in above terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(ANIL S. KILOR, J.)

C.L. Dhakate