



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

CRIMINAL APPLICATION (APL) NO. 24/2024

1. Abdul Riyaz s/o Shaikh Chand,
age 37 yrs., Occ. Teacher,
(**Husband**)

2. Mahrunnisa Shaikh Chand,
Age 70 yrs., Occ. Nil,
(**Mother-in-law**)

Applicant Nos. 1 & 2 R/o. Muzaffar
Nagar, Akola, Tq. & Dist. Akola.

3. Nasreen Parveen Shaikh Chand,
Age 43 yrs., Occ. Housewife,
(**Sister-in-law**)

4. Shaheen Anjum Shaikh Chand,
Age 40 yrs., Occ. Teacher,
(**sister-in-law**)

5. Mohammad Ayaz Shaikh Chand
Age 35 yrs., Occ. Doctor
(**brother-in-law**)

6. Nashrah Urooj Mohammad Yusuf,
Age 16 yrs., Occ. Education,
(**niece**)

Applicant No.6 is minor through the
applicant No.3 Natural Guardian mother,

Applicant Nos. 3 to 6 are R/o. Ganga Nagar,
Akola, Tq. & Dist. Akola.

...APPLICANTSVERSUS

1. State of Maharashtra, through
Police Station Officer, P.S. Nandura,
Tq. & Dist. Nandura, Dist. Buldhana.
2. Summaiya Khatun w/o. Abdul Riyaz,
aged about 32 yrs., Occ. Tuition Classes,
R/o. Nawabpura, Nandura, Tq. Nandura,
Dist. Buldhana, P.S. Nandura.

NON-APPLICANTS

Mr. A.B. Mirza, Advocate for applicants.
Mr. A. Badar, APP for non-applicant No.1/State.
Mr. H.V. Dhage, Advocate for non-applicant No.2.

CORAM : NITIN B. SURYAWANSHI AND
PRAVIN S. PATIL, JJ.

DATE : 03.03.2025

ORAL JUDGMENT : (PER: NITIN B. SURYAWANSHI , J.)

Heard finally with the consent of parties.

2. **Admit.**

3. By this application filed under Section 482 of the Code of Criminal Procedure, applicants seek quashing of the First Information Report ("FIR") bearing Crime No.557/2023 registered with Police Station Nandura, Dist. Buldhana for offence punishable under

Sections 498-A, 504, 506, 323 read with Section 34 of the Indian Penal Code and further proceedings of RCC No. 30/2024 pending before learned Joint Judicial Magistrate First Class, Nandura.

4. Non-applicant No.2 appears to have lodged written complaint against applicants on 20.07.2023 alleging that her marriage with applicant No.1 took place on 20.05.2021. Applicants are greedy people. Though financial conditions of her parents was poor, by obtaining loan, her marriage was performed. Thereafter, she came for cohabitation in joint family of applicants. Applicants since beginning used to physically and mentally ill-treat her as less dowry was given in the marriage. They also used to insist that she should bring money from her maternal home. Applicants used to beat and abuse her. Applicant Nos. 2 to 5 used to instigate applicant No.1 husband to abuse and beat her. In March, 2022, after quarreling and beating, non-applicant No.2 was also driven out of matrimonial house. Since then she is residing at her maternal home. On the basis of this written complaint, FIR in question is registered. On completion of investigation, charge-sheet is filed and case is numbered as RCC No.

30/2024 pending in the Court of learned Judicial Magistrate First Class, Nandura.

6. Heard learned counsel for applicants, learned APP for non-applicant No.1/State and learned counsel for non-applicant No.2. Perused charge-sheet.

7. It is a matter of record that applicant No.1 has filed private complaint on 16.11.2022 bearing RCC No. 2229/2022 for the offence punishable under Sections 452, 294, 323, 504, 506 read with Section 34 of the IPC against non-applicant No.2 and her parental relatives. Process was issued in the said case on 27.02.2023. It is clear that FIR in question is lodged after receipt of summons in the said criminal case.

8. Perusal of FIR and charge-sheet shows that in the FIR, vague and omnibus allegations are levelled against applicants and no ingredients of Section 498-A of IPC are made out against the applicants.

In *Abhishek Vs. State of Madhya Pradesh, 2023 AIR (SC) 4209*, the Apex Court has held that allegations made against

applicants therein are mostly general and omnibus in nature, without any specific details as to how and when her brother-in-laws and mother-in-law who lived in different cities altogether subjected the informant harassment for dowry, therefore by relying upon ***Preeti Gupta and another Vs. State of Jharkhand and another, (2010) 7 SCC 667, Neelu Chopra and another Vs. Bharti, (2009) 10 SCC 184***, the proceedings against applicants therein were quashed.

The applicants' case is squarely covered by the aforesaid observations.

9. The applicants' case is covered by category Nos. 1, 3 and 7 laid down in ***State of Haryana and others Vs. Bhajan Lal and others, 1992 Supp (1) 335***.

10. For the aforesaid reasons, application is allowed. Proceedings of RCC No. 30/2024 pending before learned Joint Judicial Magistrate First Class, Nandura arising out of First Information Report ("FIR") bearing Crime No.557/2023 registered with Police Station Nandura, Dist. Buldhana for the offence

punishable under Sections 498-A, 504, 506, 323 read with Section 34 of the IPC are hereby quashed and set aside.

11. Application stands disposed of in above terms.

(PRAVIN S. PATIL, J.)

(NITIN B. SURYAWANSHI, J.)

Gohane