IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 335 OF 2025

1. WASIMODDIN S/O AREFODDIN KHATIB, husband,
2. Nasim Begum W/o Arefoddin Khatib, mother-in-law,
3. Arefoddin S/o Tamizoddin Khatib, father-in-law,
4. Zafaruddin S/o Arefoddin Khatib, brother-in-law.

VERSUS

1. THE STATE OF MAHARASHTRA
AND
2. Mohammad Zafar S/o Mohamad Sharif Farooqui.

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Shri Vinod Sakhare, advocate h/f Shri Ambad Shrinivas Abhimanyu, Advocate for the Applicants.
Shri M.A. Aher, APP for Respondent No.1/State.
Shri Shaikh Mujtaba Gulam Mustafa, Advocate for Respondent No.2/ informant.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 23 October 2026

P. C. :-

1. Vide order dated 27.02.2025 passed by this Court, this Criminal Application is already dismissed as withdrawn as against applicant Nos.1 to 3.

2. Hence, this application is considered only as regards applicant No.4/ Zafaruddin S/o Arefoddin Khatib, who is brother of applicant No.1/ husband.

3. The applicants have challenged FIR No.0372/2024 dated 08.08.2024 registered with the Partur Police Station, District Jalna, at the behest of respondent No.2 for the offences punishable under Sections 80(2), 85, 3(5) of the Bhartiya Nyaya Sanhita, 2023 and under Sections 3 and 4 of the Dowry Prohibition Act.

4. Respondent No.2/ complainant is the brother of Tabbusum, whose marriage has been solemnized with applicant No.1 (Wasimoddin) on 27.06.2020 as per the Muslim rites and customs. It is alleged that after marriage, his sister Tabbusum was well cohabited for one month and two sons, namely, born from the said wedlock. Thereafter, her husband and in-laws were ill-treating her and whenever his sister used to visit the house of complainant, she was telling that, her husband demanding Rs.5 Lacks from her parents for the business of brick kiln, so also she was informing that, her husband, father-in-law, mother-in-law and brother-in-law were ill-treating and beating her. It is alleged that her husband Wasimoddin used to beat her. The complainant alleged that, she used to tell all these things to him on phone. It is alleged that on 07.08.2024, when the complainant was on his

duty, his father had made a phone call to the complainant at about 2.0 p.m. and informed that, Tabbusum died at the house of her in-laws. Thereafter, the complainant and his relatives went at the house of his sister at Partur and found his sister in unconscious condition. Thereafter, the complainant had shifted his sister in Government Hospital with the help of Ambulance, where the concerned doctor examined and declared her as dead. The complainant alleged that, the accused persons are responsible for the death of his sister. As such, the aforesaid FIR came to be registered at the behalf of respondent No.2.

5. The learned advocate for the applicants submitted that the application is already dismissed as withdrawn as against applicant Nos.1 to 3 although they have been implicated in the crime on account of their relationship with the husband of the deceased. It is stated that as far as applicant N.4, namely, Zafaroddin Khatib is concerned, he residing at Ambajogai, Dist. Beed whereas, the deceased was residing at Partur. During the period of lock-down on account of Pandemic Covid-19, applicant No.4 has been shifted at Ambajogai, where he was doing the business as Sub-Contractor with M.S.E.D.C. Ltd.. The Executive

Engineer, M.S.E.D.C. Ltd., also issued the Identity Card to applicant No.4 and he was discharging his duties at Ambajogai. Applicant No.4 never abused, ill-treated and beaten the sister of complainant, but the complainant has made out false and frivolous story and wrongly implicated applicant No.4 in the false crime. The learned counsel for the applicants further submitted that the continuation of the criminal prosecution against applicant No.4 would amount to an abuse of the process of law and, therefore, he has approached this Court seeking quashing of the FIR in question.

6. *Per contra*, the learned APP appearing for the respondent/ State as well as the learned advocate appearing for the respondent/ informant strongly opposed the instant application. They submitted that sufficient material is available against applicant No.4. According to them, sufficient allegations have been made against applicant No.4 and he has played major incriminating role in the crime in question. It would be premature to conclude that he is not involved in the crime. He is required to be prosecuted before the trial Court for having committed serious crime. Hence, they prayed for rejection of the instant application.

7. At this stage, it would be apposite to refer to some judgments of the Hon'ble Supreme Court. The Hon'ble Supreme Court in ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, laid down the categories of cases in which the High Court may exercise its inherent powers to quash criminal proceedings to prevent abuse of the process of law and to secure the ends of justice. Further, in ***Geeta Mehrotra v. State of Uttar Pradesh, (2012) 10 SCC 741, K. Subba Rao v. State of Telangana, (2018) 14 SCC 452,*** and ***Kahkashan Kausar @ Sonam v. State of Bihar, (2022) 6 SCC 599***, the Hon'ble Supreme Court emphasized the need to scrutinize the allegations made against the relatives of the husband in matrimonial disputes and observed that general and omnibus allegations, without specific allegations disclosing their individual involvement in the alleged offences, may not justify the continuation of criminal proceedings against them. In the case in hand, the allegations against applicant No.4, therefore, need to be examined in the light of the aforesaid principles laid down by the Hon'ble Supreme Court.

8. After going through the FIR in question as well as the statements recorded by the Investigating Officer, it is found

that the FIR has been lodged by the brother of the deceased, who got married to applicant No.1. There were matrimonial differences between the husband and wife and that applicant No.4 being brother of the husband, has been implicated in the crime. The record discloses that applicant No.4 is residing at Ambajogai, Beed and carrying on his business there. The deceased and her family members were residing at Partur, District Jalna. However, the allegations against applicant No.4 are found to be vague and general in nature. No specific incident, date or event has been stated in the FIR so as to attribute any specific overt act to applicant No.4. The FIR contains only vague and omnibus allegations against him. Therefore, such bald allegations, in the absence of specific allegations disclosing his individual involvement in the crime, are insufficient to justify the continuation of criminal prosecution against him. Neither the contents of the FIR nor the statements recorded by the Investigating Officer disclose any specific overt act on the part of any of applicant No.4 so as to attract the provisions of the penal sections invoked against him.

9. In view of the aforesaid discussion, it is found that

applicant No.4 is implicated on account of his relationship with the husband of the deceased and the allegations do not disclose his specific involvement. Therefore, in order to prevent an abuse of process of the Court and to secure the ends of justice, the instant application deserves to be allowed and the criminal proceedings against applicant No.4 deserve to be quashed and set aside. Hence, the following order:

ORDER

(a) The Criminal Application is allowed to the extent of applicant No.4 only and it is already dismissed as withdrawn to the extent of applicant Nos.1 to 3.

(b) FIR No.0372/2024 dated 08.08.2024 registered with the Partur Police Station, District Jalna, at the behest of respondent No.2 and the further proceedings arising therefrom, are hereby quashed and set aside to the extent of the present applicant No.4 only.

kps (SUSHIL M. GHODESWAR, J.)