IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 596/2024

1. Khan Shahbaz S/o Sarwarhayat Khan (Husband)
2. Sarwar Hayat Khan s/o Adam Khan (Father-in-law)
3. Nahid Zohra w/o Sarwar Hayat Khan (Mother-in-law)
4. Mubina Afreen W/o Mohammad Waseem (Sister-in-law)
5. Mohammad Wasim S/o Mohammad Athar (Brother-in-law)
6. Siddiqui Uzma Shireen w/o Burhanuddin
@ Abdul Basid (Sister-in-law) ...Applicants

Versus

1.The State of Maharashtra
2. Shaikh Fatema Tarranum D/o Shaikh Ateek ...Respondents

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Mr. Pathan Hazrat Khan S. K., Advocate for Applicants
Mr. S. B. Jadhav, APP for Respondent - State
Mr. T. R.Quadri, Advocate for Respondent No. 2

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CORAM : R.M. JOSHI, J
DATE : OCTOBER 07, 2026

P. C. :

1. After hearing learned counsels for both sides and when this Court has shown its disinclination to grant any relief to Applicant nos. 1 to 3, learned Counsel for Applicants, on instructions, seeks withdrawal of Application to their extent. He, however, submits that considering the age of Applicant Nos. 2 and 3, their presence before Trial Court may be exempted. It is his contention that no prejudice will cause to the Informant or the trial as there is no question of identification involved.

2. Learned Counsel for Respondent no. 2/informant records no objection for exempting the presence of these applicants before the Trial Court.

3. Application to the extent of Applicant no. 1 to 3 stands dismissed as withdrawn.

4. Though learned Counsel for Informant has resisted the application for exempting the presence of Applicant nos.2 and 3 before trial Court, he was unable to justify the said objection. This is a case wherein the identity of these Applicants is not in dispute. Having regard to the peculiar facts of the present case, the nature of allegations against these Applicants, and considering their age, their presence before Trial Court is exempted, unless Court requires their presence for particular reason and passed order directing them to remain present.

5. By this application, applicants No. 4 to 6 seek quashment of First Information Report bearing Crime No. 371/ 2023, registered at Jinsy Police Station District Aurangabad for the offences punishable under Sections 498-A, 323, 504, and 506 read with Section 34 of the Indian Penal Code, along with charge-sheet bearing no. 371/2023 filed in R.C.C. No. 970/2024.

6. According to the prosecution, informant/respondent no. 2 Shaikh Fatema Tarranum D/o Shaikh Ateek was married to applicant no. 1 on 17/11/2021 in accordance with Muslim rites and customs. A male child namely Fayyad Alam was born out of said wedlock on 1.02.2023. At the time of marriage, her parents provided household articles of Rs. 51,000/- in cash, 5 tolas of gold, and a gold ring and incurring a total marriage expenditure of approximately Rs. 7 lakhs. It is alleged that she was treated well for the first six months, from 15/05/2022 onwards, applicants began subjecting her to physical and mental harassment. It is contended that during her pregnancy, the applicants *pressurized her to undergo an abortion* and demanded Rs. 5 lakhs from her parents so that applicant no. 1 could set up a mobile shop. On 28/08/2022, at around 12:00 PM, she was allegedly driven out of her matrimonial home under threats to her life. At the time of her delivery none of the in-laws visited or provided financial assistance for the medical expenses. Later, the informant approached the Bharosa Cell for assistance, where a settlement was reached; however, after two days, the in-laws allegedly misbehaved again and refused to take her back. Therefore, the informant filed the present FIR. Upon completion of investigation, charge-sheet bearing no. 371/2023 was filed against the applicants.

7. The learned counsel for the applicants submits that the allegations in FIR fail to disclose *prima facie* offence against the applicants.

Allegations in FIR are entirely general, vague, and lack specific roles attributed to present applicants. He submitted that the complaint is lodged with mala fide intent to harass and to pressurize the present applicants. Applicant nos. 04 to 06 reside separately. According to him, the allegations leveled against the applicants are false, and a deliberate attempt for harassing distant relatives. Furthermore, while the marriage was solemnized on 17/11/2021 and the informant left her matrimonial home on 28/08/2022, the present FIR was lodged after an unexplained and inordinate delay on 21/12/2023. The registration of the present FIR against the applicants is nothing but a counter-blast to the legal notices and the RCS No. 963/2023 filed before the Learned Civil judge, Senior Division, Aurangabad instituted by Applicant No. 1 under Muslim Personal Law (Shariat) Application Act, 1937 on 15/09/2023. Learned counsel for applicants submitted that the applicants have clean antecedents. He relied on judgments of the Hon'ble Supreme Court ***Arnesh Kumar vs. State of Bihar 2014 (3) Bom. C. R. (Cri) 362, Madhavrao Jiwaji Rap Scindia and another vs. Sambhajirao Chandrojirao Angre and others AIR 1988 SC 709, Kansraj v. State of Punjab (2000) 5 SCC 207, and State of Haryana and others vs. Ch. Bhajan Lal MANU/SC/0115/1992: 1991(1) RCR (Cri), 383 (SC),*** counsel contends that Section 498-A IPC is being misused as a weapon of harassment and that proceedings instituted with ulterior motives. Therefore, counsel for the applicants prays for quashing of the present application.

8. Per contra, the learned APP and counsel for respondent no. 2 strongly opposed the application and submitted that the First Information Report, discloses a clear prima facie case against the applicants. He contended that the informant has made specific allegations regarding physical and mental cruelty so also unlawful demand of Rs. 5 lakhs for establishing a mobile shop, and applicant no. 1 pressurised the informant to undergo an abortion during her pregnancy. They further submitted that defenses regarding separate residence, delay in lodging the FIR, or the pendency of a RCS No. 963/2023 are disputed questions of fact that may be decided during trial.

9. Perusal of the documents placed on record indicates that the allegations in the FIR are vague, general, and omnibus, lacking specific overt acts of cruelty, which fail to establish a prima facie case under Section 498-A of the IPC. Applicant Nos. 4 to 6 were used to reside separately. As per the settled principles laid down by the Hon'ble Supreme Court in the cases of ***Geeta Mehrotra vs. State of Uttar Pradesh***, **(2012) 10 SCC 741** and ***Kahkashan Kausar vs. State of Bihar***, **(2022) 6 SCC 599**, allegations against distant relatives residing separately from the matrimonial home based on vague, general, and omnibus assertions cannot be used as a weapon to harass them. Furthermore, in ***State of Haryana vs. Bhajan Lal*** **(supra)**, it was held that criminal proceedings initiated against distant relatives on omnibus

allegations as a counter-blast amount to an abuse of the legal process and warrant quashing. Having regard to the peculiar facts of the present case, continuation of criminal proceedings against Applicant Nos. 4 to 6 would amount to an abuse of the legal process.

10. In view of the above Application to the extent of Applicant Nos. 4 to 6 stands allowed in terms of prayer clauses 'B' and "B-i".

(R. M. JOSHI, J.)

Malani