IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2238/2022

1. Anwar Salar Shaikh (Husband)
2. Salar Isak Shaikh (Father-in-law)
3. Sayarabanu Salar Shaikh (Mother-in-law)
4. Mehrun Jaber Pathan (Real Sister-in-law)
5. Haider Isak Shaikh (Cousin Father-in-law)
6. Javed Salar Shaikh (Real Brother-in-law)
7. Munir Kadar Shaikh (Cousin-brother-in-law) ...Applicants

Versus

1.The State of Maharashtra
2. Asifa Anwar Shaikh ...Respondents

Mr. M. P. Tripathi, Advocate for Applicants
Mr. Parth Salunke, Advocate for Respondent No. 2 (appointed)
Mr. A. R. Kale, APP for Respondent - State

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CORAM : R.M. JOSHI, J
DATE : OCTOBER 09, 2026

P. C. :

1. At the outset, it must be recorded that application for applicant no. 1/husband stood dismissed as withdrawn by the order of this Court dated 13.09.2023.

2. By this application, applicant no. 2 to 7 seek quashment of First Information Report bearing Crime No. 241/ 2022, registered at Sailu Police Station, District Parbhani for the offences punishable under Sections 498-A, 323, 504, and 506 read with Section 34 of the Indian Penal Code, charge-

sheet, and order of issuance of process passed by the Learned Judicial Magistrate First Class, Sailu dated 03.08.2022 in R.C.C. No. 211/2022

3. It is a case of prosecution that the marriage between the Informant/Respondent No. 2, Asifa Anwar Shaikh, and Applicant No. 1 was solemnized on 07.01.2021 in accordance with Muslim rites and ceremonies. During the wedding her parents allegedly provided 4 tolas of gold, Rs. 50,000 in cash, and household articles by way of dowry. Applicant No. 1 works as a motor mechanic and owns 4 acres of agricultural land situated at Osmanabad. It is alleged that applicants physically and mentally harass the informant and demanded a dowry of Rs. 2 lakh for purchasing a Vertical Machining Center (V.M.C) machine. On 14.02.2021 mediation was conducted to resolve the issue by her uncle, Jafar Pathan thereby informant returned to her matrimonial home. Thereafter, on 27.03.2021, she attended her brother's wedding, and subsequently, on 11.04.2021, her uncle brought her back to Pune. It is alleged that upon her return, the applicants started assaulting the informant and prohibited telephonic communication with her family. On 21.07.2021, applicant No. 1 along with co-accused Munna Isak Shaikh allegedly dropped informant at her parental home, threatening her that not to return at matrimonial home without the demanded dowry of Rs. 2 lakhs. Therefore, the informant lodged the FIR. After completion of investigation a charge-sheet came to be filed against the applicant.

4. Learned counsel for the applicants submitted that the allegations in FIR were vague and omnibus without attributing specific roles of the applicants. The allegations in FIR does not make a prima facie case for cognizable offence against the applicants. Furthermore, the FIR incorrectly portrays all accused as co-residing, whereas evidence on record applicant no. 4 is married-sister-in-law, applicant no. 5 and 7 reside separately at Parali and Pimpri-Pune respectively. Applicant no. 6 is a brother-in-law of the informant who is falsely implicated in instant crime without making any specific allegations. The accused namely Munna Isak Shaikh is not a relative of the applicants the informant created an imaginary story. It is contended that the allegations against the applicant no. 2 and 3 are false because they are residing at one place and other accused are residing at different places. He contended that relying upon the judgment of Hon'ble Supreme Court in case of ***Kahkashan Kausar v.s State of Bihar (2022) 6 SCC 599*** and ***State of Haryana v.s Bhajan Lal, (1992) SCC (cri) 426*** continuing the prosecution against the applicants constitutes an abuse of court process.

5. The learned APP and the learned counsel for the informant submitted that the allegations in FIR disclose a prima facie case against all the applicants. It is contended that the allegations in the FIR meticulously establish specific dates of harassment from the marriage on 07.01.2021,

leading to a mediation on 14.02.2021, and culminating on 21.07.2021, when the informant was driven out of her matrimonial home with a demand of dowry of Rs. 2 lakhs. The allegations regarding demand of dowry of Rs. 2 lakhs for purchasing a Vertical Machining Center (V.M.C) machine and whether applicants resided separately or were falsely roped that can only be adjudicated during trial.

6. Perusal of the documents placed on record reveals that the allegations against Applicant Nos. 2 to 7 are vague, general, and omnibus in nature, lacking specific attribution of distinct acts of assault, cruelty, or physical harassment against individual applicants. Furthermore, Applicant Nos. 4, 5, and 7 are residing separately at Parali and Pimpri-Pune, respectively. The allegations against Applicant No. 6, who is the brother-in-law, similarly lack specific attributions of distinct acts of assault or cruelty on specific dates. As against Applicant Nos. 2 and 3 as well, the allegations regarding the illegal demand for purchasing the V.M.C. machines are general and uncorroborated by specific material evidence establishing their direct involvement. In judgment of the Hon'ble Supreme Court in case of ***Kahkashan Kausar v. State of Bihar (supra)*** and ***State of Haryana v. Bhajan Lal (supra)***, continuing prosecution based on general, vague allegations against distant or non-cohabiting relatives without specific attribution constitutes an abuse of the process of law.

7. In view of the above, application stands allowed in terms of prayer clauses ‘B’, ‘B-1’ and ‘B-2’.

8. The fees of the appointed counsel for respondent no. 2 are quantified at Rs. 10,000/-

(R. M. JOSHI, J.)

Malani