



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 394 OF 2024

1. Mohammad Shafik Abdul Rafik Kazi
Age 47 years, occ : Agri.
R/o : Manatha tq. Hadgaon, Dist.: Nanded
 2. Mohammad Atik Abdul s/o Rafik Kazi
Age 45 years, Occ : Agri.
R/o : Manatha tq. Hadgaon, Dist.: Nanded
 3. Sarikha wlo Sayed Mustafa
Age 37 years, Occ : Homemaker
R/o : Manatha, Tq. Hadgaon, Dist.: Nanded
 4. Afrin Begum w lo Imrankhan S
Age 31 years, Occ : Homemaker
R/o : Sufa Colony, Ardhapur, Dist.: Nanded
 5. Imrankhan s/o Hamidulhakhan
Age 37 years, Occ : Mechanic
R/o : Sufa Colony, Ardhapur, Dist.: Nanded
 6. Farin Begum w lo Asef Salam
Age 29 years, Occ : Homemaker
R/o : Near Idgaha, Deglur Naka,
Hilalnagar, Nanded.
- ..APPLICANTS

VERSUS

1. State of Maharashtra
 2. Ruhi Sadik Kazi
Age : 25 years, Occ : Homemaker,
R/o : Manatha, Taluka Hadgaon
At present R/o Bilalnagar
Ardhapur, District : Nanded.
- ..RESPONDENTS

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Mr. P.P. Giri, Advocate for applicants
Mr. S.N. Morampalle, A.P.P. for respondent no.1 – State
Mr. G.K. Muneshwar, Advocate for respondent no.2
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CORAM : RAJNISH R. VYAS, J.
DATE : 01st APRIL, 2026

PER COURT :

. The challenge in this application is to the registration of F.I.R. No. 210 of 2022 dated 23rd July, 2022 registered with Ardhapur Police Station, Dist. Nanded for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code, charge-sheet bearing no. 113 of 2022 and order of issuing process dated 22nd November, 2022 passed by learned Judicial Magistrate First Class, Ardhapur and R.C.C. No. 88 of 2022.

2. Respondent No.2 in the F.I.R. has contended that her marriage was solemnized on 23rd July, 2017 with Accused No.1 / Saadiqe, in which her parents had given gold ornaments, silver ornaments, cash and household articles. She contended that initially for three years she was treated properly but thereafter the present applicants used to instigate Accused No.1 / husband to demand Respondent No.2 an amount of Rs.2 lakhs for purchase of four-wheeler. On that count she was beaten also. It was alleged in the F.I.R. that on 15th May, 2018 a meeting was arranged in which respectable persons from society were also present and in that meeting Rs.1 lakh for purchase of vehicle was given but thereafter also Respondent No.2 again started residing with the husband and applicants.

3. It was alleged that after few days, the husband said to Respondent No.2 that she was not good looking, and therefore, assaulted her on that count.

4. On 17th September, 2020 when the husband was beating her, father-in-law of Respondent No.2 intervened and rescued her. It was alleged that the applicants used to demand remaining Rs.1 lakh and told Respondent No.2 that they would not allow her to live with them if amount is not brought. She was subjected to ill-treatment and physical assault and also kept starved. On 21st September, 2020 she was driven out of the house. The relatives of Respondent No.2, though tried their best to convince the applicants, but failed.

5. It was further alleged in the F.I.R. that when Respondent No.2 was at her parent's place 2 to 3 months prior of lodging the F.I.R., all the applicants had been to that place and in the meeting held the relatives of Respondent No.2 were not allowed to speak. In the said meeting again demand of Rs.1 lakh for purchasing the vehicle was made and it was said that in case demand is not fulfilled, Respondent No.2 would not be allowed to stay at their house. It was alleged that Respondent No.2 and relatives were also beaten there. In this background, criminal law was set in motion.

6. learned counsel for the applicants submitted that the allegations made against the applicants are omnibus in nature. He further submitted that mere reference to the family members would not be enough to attract ingredients of offences registered against them. He, therefore, prayed for allowing the application.

7. Per contra, learned A.P.P. submitted that the ingredients of offences are made out from the perusal of final report and specific role is assigned to the applicants. He submitted that recourse to the application for discharge can always be taken.

8. Learned counsel for Respondent no.2 has contended that mini trial at this stage is not at all permissible and there are specific statements which are available on record. He has relied upon the statements of independent witnesses which are at page nos. 87 and 88, which are of Salaroddin and Purbaji Sonale. He, therefore, contended that the said independent witnesses corroborates the contents of F.I.R. and clearly establishes that prima facie material is available against the present applicants.

9. At this stage it is necessary to mention here that the marriage of Respondent No.2 was solemnized on 23rd July, 2017 with Accused No.1 and from 21st September, 2020 she is residing separately. The F.I.R. is lodged on 23rd July, 2022. If the F.I.R. is perused, it would reveal that there is

absolutely no explanation given by Respondent No.2 for lodging the F.I.R. after a period of two years.

10. It is alleged in the F.I.R., that the applicants have instigated Accused No.1 / husband to demand amount of Rs.2 lakh for purchase of four-wheeler. Out of the said amount, Rs.1 lakh was paid on 15th May, 2018 by father of Respondent No.2. It was also alleged that on 17th September, 2020 Respondent No.2 was beaten, but she was rescued by her father-in-law / Rafikoddin. In the F.I.R., it is also stated that all the applicants with a common intention have asked Respondent No.2 to bring remaining amount of Rs.1 lakh and threatened that in case the same is not brought, she would not be allowed to reside with them. She was also abused and assaulted by fist blows and was subjected to mental and physical harassment. She was also driven out of the house on 21st September, 2020.

11. Further incident is regarding meeting which took place at maternal home of Respondent No.2, where the present applicants abused and assaulted Respondent No.2 and her family members,. If said allegations are perused, it would be crystal clear that they are omnibus in nature. No specific role is assigned to each accused. In absence of specific allegations assigned to each accused, it cannot be said that prima facie case is available against the present applicants. As regards contentions of learned counsel for the applicants that there is specific statement of independent witnesses by name Salaroddin and

Purbaji Sonale. It is worth noting that they have also stated Respondent No.2 was ill-treated and demand of amount was also made from her. Those statements are also not specific. Since the statements are of general nature, continuation of prosecution of present applicants would not be in the interest of justice. Again it is reiterated that absolutely no reasons are given for lodging the F.I.R. at the belated stage. Said additional factor also goes in the favour of present applicants. The allegations made in first information report and material collected during the course of investigation, even if taken at face value failed to constitute the offences registered. In that view of the matter, following order is passed :-

ORDER

- (I) Criminal application is allowed.
- (II) F.I.R. No. 210 of 2022 dated 23rd July, 2022 registered with Ardhapur Police Station, Dist. Nanded for the offences punishable under Sections 498-A, 323, 504, 506 and 34 of the Indian Penal Code, charge-sheet bearing no. 113 of 2022 and order of issuing process dated 22nd November, 2022 passed by learned Judicial Magistrate First Class, Ardhapur and R.C.C. No. 88 of 2022 are quashed and disposed of qua present applicants.
- (III) Trial be proceeded against the remaining accused.

(RAJNISH R. VYAS, J.)