



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2175 OF 2024

1. Yunus Ahmed Khan Babu Khan Rangrej (Husband)
Age : 40 yrs.m Occ.: Business,
 2. Mumtaj @ Movan Babu Khan Rangrej (Mother-in-law)
Age : 78 yrs., Occ.: Household,
 3. Babu Khan Usman Khan Rangrej (Father-in-law)
Age : 85 yrs., Occ.: Nil
All R/o Anjuman Colony,
Behind Rajkiya Hospital,
Jalore, Rajasthan.
 4. Hanif Khan Babu Khan Rangrej (Brother-in-law)
Age 52 yrs., Occ.: Tea stall
 5. Sayra @ Nagiya Hanif Khan Rangrej (Wife of Brother-in-law)
Age : 50 yrs., Occ.: Household And Beauty Parlor
 6. Haidar @ Sonu Hanif Khan Rangrej (Son of Applicant No.4)
Age : 26 yrs., Occ.: Student
 7. Roshan @ Monttu Hanif Khan Rangrej (Son of Applicant No.4)
Age : 22 yrs., Occ.: Student
Applicant no. 4 to 7
R/o K.G.N. Colony, Gandhi Chowk,
Jalore, Rajasthan.
 8. Sanjeeda Barkatji Rangrej (Sister-in-law)
Age: 39 years, Occu.: Household
 9. Mufida Rustamji Rangrej (Sister-in-law)
Age: 42 years, Occu.: Household,
Applicant Nos. 8 & 9 R/o Bhinmal,
Tq. & Dist. Jalore, Rajasthan
- ..APPLICANTS

VERSUS

1. State of Maharashtra
Through Police Inspector
Nandurbar City Police Station, Nandurbar
Tq. & Dit. Nandurbar

2. Yasmin Bano Yunus Ahmed Khan Rangrej

Age: 38 years, Occu.: Househol,
R/o Manyar Mohalla, Nandurbar,
Tq. & Dist. Nandurbar

..RESPONDENTS

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Mr. A.R. Hange, Advocate for applicants

Mr. V.V. Jahagirdar, A.P.P. for respondent no.1 – State

Ms. H.R. Lomte, Advocate for respondent (appointed)

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CORAM : RAJNISH R. VYAS, J.

DATE : 07th APRIL, 2026

PER COURT :

. At the outset, learned counsel for the applicants requested this Court to permit him to carryout the amendment challenging the order issuing process dated 10th January, 2022 passed by the Chief Judicial Magistrate, Nandurbar.

2. Permission is granted. Amendment be carried out forthwith.

3. All the accused have preferred the present application praying for quashment of the F.I.R. No. 404 of 2021 dated 07th May, 2021 registered with Nandurbar City Police Station, Dist. Nandurbar for the offences punishable under Sections 498-A, 417, 323, 406, 504 and 34 of the Indian Penal Code, consequent charge-sheet and R.C.C. No. 297 of 2021 and order issuing process dated 10th January, 2022 passed by the Chief Judicial Magistrate, Nandurbar.

4. Learned counsel for the applicants submitted that he has instructions to withdraw the application qua, Applicant No.1 / husband.

5. In view of the statement made by learned counsel for the applicants, permission is granted to withdraw the application for Applicant No.1. Criminal application as regards Applicant No.1 / Yunus Ahmed Khan Babu Khan Rangrej stands disposed of as withdrawn.

6. In order to buttress his contention that there are no allegations against the remaining applicants, learned counsel for the applicants has invited my attention to the material on record and has contended that the allegations are of general nature, and therefore, continuation of prosecution would not be in the interest of justice. He contended that marriage of Respondent No.2 was solemnized with Accused No.1 on 23rd December, 2008 as per the Muslim rites and ceremonies and both of them started residing separately from 02nd March, 2021 and the F.I.R. was lodged on 07th May, 2021. He submitted that considering the material produced on record, it would reveal that prima facie case is not made out against the present applicants. He thus prayed for quashing of the criminal prosecution.

7. Learned counsel for Respondent No.2 has contended that there are specific allegations against all the applicants. She also relied upon the

incident dated 06th February, 2021 narrated in the F.I.R. and has contended that whether the applicants had beaten Respondent No.2 would be decided during the trial and at this stage mini trial cannot be conducted. She thus prayed for rejection of application.

8. Learned A.P.P. has contended that in the complaint filed, there is specific allegation against Applicant No.2 / mother-in-law, who has threatened Respondent No.2 to kill. He submitted that since the allegations are specific, inherent powers of this Court may not be exercised.

9. In this background, I have gone through the record of the case and have given my thoughtful consideration to the arguments advanced by the respective counsels.

10. Marriage of Respondent No.2 and Accused No.1 was solemnized on 23rd December, 2008. It is alleged that all the applicants used to mentally harass Respondent No.2 on trifle reasons. It is also alleged in the F.I.R. that before marrying Respondent No.2, Accused No.1 had performed marriage with the sister of Accused No.5, but had given divorce to her. It is the case of Respondent No.2 that aforesaid fact was suppressed by the husband and present applicants had also helped Accused No.1 in suppressing the said fact. She thus contended that due to the aforesaid act, she was cheated.

11. It was further alleged in the F.I.R. that Accused Nos.1 and 3 used to utter defamatory words and humiliating language towards the family members of Respondent No.2 on trifle reasons. They also used to pass comment and thereby mentally harassed her. It was alleged that Accused Nos.1 to 5, so also 8 and 9 had asked Respondent No.2 to perform all the household work ignoring the fact she was unwell at the relevant time. It was alleged that Accused Nos.2 to 5, 8 and 9 on several occasions have visited the house of Respondent No.2 and have instigated Accused No.1 / husband due to which Respondent No.2 had faced mental and physical harassment. It was alleged that ill-treatment was narrated by Respondent No.2 to her parents, who tried to convince the applicants. On the contrary, the applicants had demanded an amount of Rs.10 lakhs from the parents of Respondent No.2 for purchasing house. As the demand was not fulfilled by the parents of Respondent No.2, Accused Nos. 1 to 5, 8 and 9 had assaulted Respondent No.2. Accused No.1 had threatened Respondent No.2 that he would give divorce to her.

12. It was alleged by Respondent No.2 that she started residing with Accused No.1 in an rented premises in the year 2016, where Accused No.1 kept her empty stomach by not bringing grocery. It was alleged that she was also beaten by Accused No.1 suspecting her character. Respondent No.2 has contended that on 06th February, 2021 when she had been to the shop of her

husband, at that time Accused Nos. 6 and 7 took a baseball stick and tried to assault her. Accused No.5 caught hold of her and Accused Nos.4 and 7 assaulted her by means of fist blows. Respondent No.2 could save herself due to intervention of persons who had gathered there.

13. It was further alleged in the F.I.R. that on 02nd March, 2021, her brother came to her matrimonial house, at that time in-laws had demanded him Rs.10 lakhs for purchasing the house and he was further told that Respondent No.2 would be permitted to cohabit with Accused No.1 only when amount of Rs.10 lakhs is paid and on that count she was driven out of the house. Respondent No.2 since that day started residing with her parents. It was further alleged that on 20th March, 2021 Accused Nos. 1 and 2 came to the house of parents of Respondent No.2 in order to take money. As father of Respondent No.2 refused to pay the amount, Accused No.1 assaulted parents of Respondent No.2, so also abused them. It is in this background, criminal law was set in motion.

14. The allegations made against the present applicants would reveal that same are general and omnibus. Though the incident dated 06th February, 2021 is narrated, same is also based on general allegations. It is further necessary to mention here that the incident dated 06th February, 2021 fails to assign any specific role to the accused persons. Allegations in that regard are not specific. The other allegations are against the husband regarding

suspecting the character of Respondent No.2 and keeping her starved. Since the application for husband is already not pressed, commenting anything on that aspect would not be necessary.

15. As far as the other allegations against the present applicants are concerned, those are bereft of period, time and place. General and omnibus allegations are not enough to permit the prosecution against the applicants. The contention of learned A.P.P. that there is specific allegation against Applicant No.2 that she had threatened Respondent No.2, though is worth noting, same is required to be rejected on the ground that ingredients of Section 503 of the I.P.C. are not made out. Bare use of filthy language is not enough to attract the offence. So far as other contentions that mini trial cannot be conducted at this stage, it can be said that scrutinising the material in order to arrive at conclusion whether prima facie case is made out or not would not amount to conducting the mini trial.

16. Since the allegations against the present applicants are general and omnibus, same would not be enough to constitute prima facie case against the applicants. In that view of the matter, following order is passed :-

ORDER

- (I) Criminal application is partly allowed.
- (II) F.I.R. No. 404 of 2021 dated 07th May, 2021 registered with Nandurbar City Police Station, Dist. Nandurbar for the

offences punishable under Sections 498-A, 417, 323, 406, 504 and 34 of the Indian Penal Code, consequent charge-sheet and R.C.C. No. 297 of 2021 and order issuing process dated 10th January, 2022 passed by the Chief Judicial Magistrate, Nandurbar are quashed and set aside qua Applicant Nos.2 to 9 only.

- (III) Trial to proceed against Accused No.1 / Yunus Ahmed Khan Babu Khan Rangrej (husband).
- (IV) Ms. H.R. Lomte, learned counsel appointed by this Court to represent Respondent No.2 has assisted the Court. Her fees be quantified at Rs. 8,000/- to be paid by High Court Legal Services Sub-Committee, Aurangabad.

(RAJNISH R. VYAS, J.)

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