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1criapln2558.24order

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

28 CRIMINAL APPLICATION NO. 2558 OF 2024

1. Shaikh Firoz Dastgir (Maternal Father-in-law)
Age-50 years, Occu-Business,
2. Shaikh Shabana Firoz (Maternal mother-in-law)
Age-44 years, Occu-Household,
3. Shaikh Rafiq Dastgir (Maternal father-in-law)
Age-53 years, Occu-Business,
4. Shaikh Shahenaj Rafiq (Maternal Mother-in-law)
Age-48 years, Occu-Household,

All R/o. Khaja Nagar, Galli No. 7,
Dharashiv, Tq. & Dist. Dharashiv

VERSUS

1. The State of Maharashtra,
Through Police Station Yarmala,
Tq. & Dist. Dharashiv,
2. Afiya Anjum D/o. Equbal Shaikh,
Age-23 years, Occu-Household,
R/o. At present C/o. Muffasir S/o. Ikbal Shaikh,
Lucky Hardware, Kallamb Road, Kaij,
Tq. Kaij, Dist. Beed

Mr. R. K. Ashtekar, Advocate for the applicants
Mr. N. D. Raje, APP for the respondents/State
Mr. Ganesh Kore, Advocate for the respondent No. 2

CORAM : RAJNISH R. VYAS, J.

DATE : 06th APRIL, 2026

PER COURT :

1. Heard the respective counsels for the parties.

2. This is an application for quashment of First Information Report along with final report consequent registration of Regular Criminal Case and quashing and setting aside the order taking cognizance. The present applicants are original accused Nos. 1 to 4 in the FIR. The FIR bearing No. 119/2024 dated 27-04-2024 was registered with Yermala Police Station, Dist. Osmanabad for the commission of offences punishable under Sections 307, 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code on the basis of information supplied by one Afiya-non applicant No. 2. In which she alleged that her marriage was solemnized before 9 months from the date of lodging of FIR with one Sahil and thereafter, she started residing with her husband. Initially for 15 days she was treated properly but husband and father-in-law in order to expand the business of selling crackers, had demanded amount of Rs.10 lakhs. On that count, mental and physical harassment started. When this fact was informed by the informant to her mother and brother, they fulfilled the demand and gave amount of Rs.10 lakhs.

3. It was alleged in the FIR that thereafter two months lapsed happily, but again she was not allowed to speak on phone with her mother and brother. She was abused and subjected to mental and physical harassment. The husband of non-applicant No. 2 started beating her and used to demand divorce from her. It was further

alleged that due to ill-treatment some of the respectable persons in the society along with relatives of non-applicant No.2 tried to convince in-laws of the non-applicant No. 2 and again dropped her to her matrimonial place but from the next date only her father-in-law and present applicants started ill-treating.

4. In the FIR it was further alleged that on 24-04-2024 at about 05.00 to 06.00 in the evening she was subjected to inhuman assault in which she sustained injuries. The photographs of the informant having injuries were forwarded by non-applicant No. 2 on the whatsapp of her mother, which fact became known to her in-laws who then assaulted her in the kitchen. It was further stated that husband, her father-in-law by name Sayyad Jamila, cousin father-in-law by name Sayyad Majjid and mother-in-law by name Sayyad Taslim caught hold of the hands of the non-applicant No. 2 and husband administered the poison to the non-applicant No. 2 forcibly due to which, she became unconscious. But aforesaid persons did not take any trouble to take her to the hospital. It is on this allegations the FIR was lodged.

5. The learned Advocate for the applicants submitted that the applicants are distant relatives and not at all concerned with the non-applicant No.2 on day-to-day basis. They contended that the applicant No.1 is maternal father-in-law, applicant No.2 is the

maternal mother-in-law, applicant No.3 is the maternal father-in-law and applicant No. 4 is the matrimonial mother-in-law. They submitted that they are residing in Khaja Nagar, Tq. Dharashiv whereas husband and the in-laws along with non-applicant No. 2 used to reside Terkheda. So far as incident of forcibly administered the poison is concerned, they were not even present on the spot. He therefore, prayed for quashment of the criminal prosecution.

6. Per contra, learned Advocate for the non-applicant No.2 and learned APP has contended that charge-sheet is filed and the applicants can always seek discharge by filing an appropriate application. Both of them contended that mini trial at this stage is not permissible.

7. With the assistance of the respective counsels for the parties, I have gone through the record of the case. It is un-disputed that present applicants are distant relatives of the husband and non-applicant No.2. It is also not in dispute that the applicants are residing at different places and not with the husband and real in-laws and non-applicant No.2. Record further shows that when the incident of administering the poison had taken place, the applicants were not present at the spot. Thus, what remains is omnibus statement that all the applicants along with others used to ill-treat the non-applicant No.2. FIR as well as final report containing the statement of witnesses

is bereft of details which are required for attraction of ingredients of section 498-A as well as other sections which are registered.

8. The learned Advocate for the applicants has rightly relied upon the law laid down by the Hon'ble Apex Court in the case of Muppidi Lakshmi Narayan Reddy and Ors Vs The State of Andhra Pradesh and anr decided on 23-04-2025 arising out of SLP (Cri) No. 2570 of 2018 in para 9 has observed as under.

“9. There is no denial of the fact that the appellants reside at Hyderabad whereas the de-facto complainant stayed at Guntur in her marital house. There is no specific date as to when the present appellants visited Guntur and joined accused nos. 1 to 3 in demanding dowry from de-facto complainant. Considering the growing trend of the dowry victim arraigning the relatives of the husband, this Court in the matter of Geeta Mehrotra & Anr. vs. State of Uttar Pradesh & Anr.¹ has deprecated the practice involving the relatives of the husband for the offence under Section 498A IPC and Section 4 of Dowry Prohibition Act, 1961. The following has been held in para 18: Muppidi Lakshmi Narayana Reddy vs The State Of Andhra Pradesh on 23 April, 2025;

“18. Their Lordships of the Supreme Court in Ramesh case [(2005) 3 SCC 507 : 2005 SCC (Cri) 735] had been pleased to hold that the bald allegations made against the sister-in-law by the complainant appeared to suggest the anxiety of the informant to rope in as many of the husband's relatives as possible. It was held that neither the FIR nor the charge-sheet furnished the legal basis for the Magistrate to take cognizance of the offences alleged against the appellants. The learned Judges were pleased to hold that looking to the allegations in the FIR and the contents of the charge- sheet, none of the alleged offences under Sections 498- A, 406 IPC and Section 4 of the Dowry Prohibition Act were made against the

married sister of the complainant's husband who was undisputedly not living with the family of the complainant's husband. Their Lordships of the Supreme Court were pleased to hold that the High Court ought not to have relegated the sister-in-law to the ordeal of trial. Accordingly, the (2012) 10 SCC 741 proceedings against the appellants were quashed and the appeal was allowed.”

9. In the aforesaid background, it is clear that the allegations against the applicants are omnibus, vague and are not sufficient to show prima facie case is available against the applicants. Just because remedy of seeking discharge is available, it cannot be said that powers under Section 482 of the Cr. P. C. cannot be invoked. Thus, I am inclined to pass the following order:

ORDER

- a] The application is allowed.
- b] The FIR bearing No.119/2024 dated 27-04-2024 registered with the Yermala Police Station, Dist. Dharashiv for the commission of offences punishable under Sections 307, 498-A, 323, 504, 506 read with section 34 of the Indian Penal Code and charge-sheet No.03/2025 dated 04-01-2025 filed before learned

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Judicial Magistrate First Class, Washi consequent filing of RCC No.06/2025 and SCC No.06/2026 pending before the Sessions Court, Bhoom stand quashed and set aside to the extent of the present applicants.

c] The application is disposed off.

[RAJNISH R. VYAS, J.]

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