



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

16 CRIMINAL APPLICATION NO. 3173 OF 2024

1. Amjad Saheb Patel
 2. Chandbi Saheb Patel
 3. Rabiya Aarif Shaikh
 4. Arif Abbas Shaikh (Arif Daud Shaikh)
 5. Gulam Saheb Patel (Gulmohammad Shoeb Patel)
 6. Mujib Saheb Patel (Mujibur Rahman Saheb Patel)
 7. Nazia Zuber Shaikh (Nazmin Zubair Tawakal)
 8. Shaikh Ilyas Yunus
 9. Samina Ilyas Shaikh
- ... Applicants

VERSUS

The State of Maharashtra and Anr. ... Respondents

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Mr. Akram Inamdar h/f Mr. S. S. Kazi, Advocate for Applicants
Mr. S. M. Ganachari, APP for Respondent No.1 – State
Ms. Karishma Sarin, Advocate (Appointed) for Respondent No.2

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CORAM : NEERAJ P. DHOTE, J.
DATE : 27.04.2026

PER COURT :

1. The learned Advocate for the Applicants, on instructions, seeks leave to withdraw the Application to the extent of Applicant No.5 - Gulam Saheb Patel (Gulmohammad Shoeb Patel) [brother-in-law of the Informant]. He submits that, the Application to the extent of Applicant No.1 Amjad Saheb Patel (husband) is already withdrawn on 16.10.2024.

2. This is an Application under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.PC) for quashing FIR No.0106/2024 registered with Pranda Police Station on 18.05.2024 for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC) and the charge-sheet bearing in RCC No.112/2025 before the Judicial Magistrate, First Class, Pranda, District – Osmanabad.

3. The aforesaid Crime is registered on the report lodged by Respondent No.2, who is the daughter-in-law of Applicant No.2 and the sister-in-law of other Applicants. She married to Applicant No.1 on 07.12.2017. This was her second marriage. Out of the wedlock, she gave birth to one daughter. She was treated well by the Applicants for a period of one (01) year. Thereafter, she was ill-treated for money for purchasing vehicle for the husband. On 23.05.2023, her husband assaulted her. Thereafter, she was taken to her parents house by her father. On 11.03.2024, the husband, brother-in-law and the sister-in-law went to the house of her father and showed their readiness to take her back, if her father gives Rs.5 Lakhs. When her father declined to pay due to his poor financial condition, the husband and brother-in-law assaulted her

father. After the investigation, charge-sheet came to be filed.

4. Heard the learned Advocate for the Applicants, learned APP for Respondent No.1 – State and the learned Advocate for Respondent No.2 – Informant. With their assistance, perused the papers on record.

5. It is clear from the FIR that, omnibus allegations are made against Applicant Nos.2, 3, 4 and 6 to 9. Undisputedly, these Applicants, i.e. Applicant Nos.2, 3, 4 and 6 to 9, were and are residing separately. The papers indicate that, the Informant was the second wife of Accused No.1. The Informant had earlier lodged the Crime for the offence punishable under Sections 498-A, 323, 504 and 506 read with Section 34 of IPC against her first husband and his relatives, and the Court of competent jurisdiction acquitted them in RCC No.08/2017 by the Judgment and Order dated 29.06.2017 passed by the learned Judicial Magistrate, First Class, Pranda. Be that as it may. Considering the nature of vague and omnibus allegations against Applicant No.2, 3, 4 and 6 to 9, asking them to face trial would amount to abuse of process of law. Therefore, considering the nature of the offence and the facts and circumstances of the case, in my view, this is a fit case to exercise

powers under Section 482 of Cr.PC to quash the proceeding against Applicant Nos.2, 3, 4 and 6 to 9. Hence, the following order :

ORDER

- [I] Application is disposed of as withdrawn to the extent of Applicant No.5 - Gulam Saheb Patel (Gulmohammad Shoeb Patel).
- [II] Application is allowed in terms of Prayer Clauses – ‘B’, ‘B-1’ and ‘C’ against Applicant Nos.2 - Chandbi Saheb Patel, 3 - Rabiya Aarif Shaikh, 4 - Arif Abbas Shaikh (Arif Daud Shaikh), 6 - Mujib Saheb Patel (Mujibur Rahiman Saheb Patel), 7 - Nazia Zuber Shaikh (Nazmin Zubair Tawakal), 8 - Shaikh Ilyas Yunus and 9 - Samina Ilyas Shaikh.
- [III] The fee of the learned Advocate Ms. Karishma Sarin appointed for Respondent No.2 is quantified Rs.7500/- (Rupees Seven Thousand Five Hundred Only) to be paid by the High Court Legal Services Sub - Committee, Aurangabad.

[NEERAJ P. DHOTE, J.]