



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

913 CRIMINAL APPLICATION NO. 3494 OF 2024

Javeedkhan Rashidkhan Pathan And Others

VERSUS

The State Of Maharashtra And Another

...

Mr. M. G. Kochar h/f Mr. B. R. Warma - Advocate for Applicants

Mrs. Bharati B. Gunjal - APP for the State

Mr. Akanksha V. Sagar Killarikar - Advocate [appointed] for Respondent
No. 2

...

CORAM : NEERAJ P DHOTE, J.

DATED : 23RD APRIL, 2026

PER COURT : -

1. This is an application under Section 482 of the Code of Criminal Procedure, 1973, filed by the husband and sisters-in-law of the informant, Shahinbi Javeedkhan Pathan, who is the wife of Applicant No. 1, seeking quashing of Crime No. 0343 of 2023 registered with Taloda Police Station, District Nandurbar, for the offences punishable under Sections 498A, 504, and 506 read with Section 34 of the Indian Penal Code, 1860, and the consequential charge-sheet, which culminated in the registration of R.C.C. No. 23 of 2024 pending before the learned Judicial Magistrate First Class, Taloda.

2. The aforesaid crime has been registered on the basis of a report lodged by Respondent No. 2. She has stated in the said report

that she got married to Applicant No. 1 on 28.10.2020. After the marriage, she went to her matrimonial house and started residing with the Applicants. In the year 2021, she gave birth to a baby girl. She had gone to her parents' house for delivery. When she informed the Applicants that she had given birth to a baby girl, Applicant No. 1 – the husband – told her that he wanted a son. The Applicants did not make any inquiry about the newborn baby. A meeting of respected persons from their community was convened, and she was sent back to her matrimonial house. Thereafter, she started residing separately with her husband i.e. Applicant No. 1. During that time, Applicant No. 1, the husband, at the instance of Applicant Nos. 2 to 4, started harassing her. On 13.10.2023, Applicant No. 1, the husband, asked the informant to bring money from her parents. Applicant No. 1, the husband, assaulted her and drove her out of the house, and informed her father to take her back. From that time, she was residing with her parents, and the Applicants did not come to take her back.

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

4. The learned Advocate for the Applicants, upon instructions, seeks leave to withdraw the Application to the extent of Applicant No. 1, Husband. He submits that, taking the prosecution's case as it stands, it is

seen that there are vague allegations against Applicant Nos. 2 to 4, and no offence is made out against them. He further submits that the Application be allowed to the extent of Applicant Nos. 2 to 4.

5. The learned APP and the learned Advocate for Respondent No. 2 submit that Applicant Nos. 2 to 4 are the sisters-in-law of the Informant and are residing together. They further submit that all the Applicants have subjected the Informant to harassment and that the Application be rejected.

6. On going through the FIR and the statements of the witnesses, it is clear that vague allegations are made against the Applicant Nos. 2 to 4. It is clear that, after the child was born and the Informant returned to her matrimonial home, she and Applicant No.1 started residing separately. Even the statements of the parents and brothers are nothing but a replica of the Informant's statement. There are no specific allegations against Applicant Nos. 2 to 4. Taking the prosecution's case as it stands, the allegations against Respondent Nos. 2 to 4 are completely vague and omnibus, and permitting the trial against them on the basis of material available, would amount to an abuse of the process of law. Hence, in my view, this is a fit case for exercising the powers vested in this Court under Section 482 of the Code of Criminal Procedure to quash the proceedings as against Applicant Nos. 2 to 4. Hence, the following order:—

ORDER

- [i] The Application stands disposed of as withdrawn to the extent of Applicant No. 1, Husband, namely, Javeedkhan Rashidkhan Pathan.
- [ii] The Application is allowed to the extent of Applicant Nos. 2 to 4, viz. Naseembi Rashidkhan Pathan, Numaishbi Rashidkhan Pathan and Anjum Rashidkhan Pathan, in terms of prayer clause 'A' and 'B'.
- [iii] The fee of the learned Advocate appointed to represent Respondent No. 2 is quantified at Rs.5,000/- [Rupees Five Thousand] to be paid by the High Court Legal Services Sub Committee, Aurangabad Bench.

[NEERAJ P. DHOTE]
JUDGE