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

CRIMINAL APPLICATION NO. 4021 OF 2024

Yasmeen Azim Shaikh [sister-in-law]
Age-24 years, Occu-Household,
R/o. Plot No. 92/93, Anand Nagar,
Solapur, Tq. & Dist. Solapur

...APPLICANT

VERSUS

1. The State of Maharashtra
Through Nanalpeth Police Station
Tq. & Dist. Parbhani
2. Sana Khan W/o. Jamal Khan,
Age-21 years, Occu-Household,
R/o. Wazirabaad, Mochigalli,
Tq. & Dist. Parbhani

...RESPONDENTS

Mr. Rehan Khan, Advocate h/f Mr. G. R. Syed, Advocate for the applicant
Mrs. A. V. Sagar Khillarikar, Advocate for the respondent No. 2 (appointed)
Mr. V. V. Jahagirdar, APP for the respondents/State

CORAM : RAJNISH R. VYAS, J.

DATE : 07th APRIL, 2026

PER COURT :

1. A challenge in this application is to the First Information Report bearing No. 148 of 2024 dated 28-03-2024 registered with Nanalpeth Police Station, Dist.Parbhani for commission of offences punishable under Sections 498-A, 323, 504 read with Section 34 of the Indian Penal Code at the instance of non-applicant No.2. The

challenge is also to filing of final report and order taking cognizance by the jurisdictional Magistrate.

2. Learned Advocate for the applicant has contended that the applicant is sister-in-law against whom general and omnibus statements are made. He submitted that said material would not be enough to attract the ingredients of the offences registered.

3. Per contra, learned Advocate for the non-applicant No.2 has contended that allegations against the present applicant are specific and just because she is sister-in-law she cannot be absolved from the criminal liability. She submitted that *prima facie* case is available against the present applicant.

4. The learned APP has also supported the stand taken by the learned Advocate for the non-applicant No. 2.

5. Learned Advocate for the non-applicant No. 2 has contended that powers under Section 482 of the Cr. P. C. are to be exercised in exceptional cases. She also prayed for dismissal of the application.

6. With the able assistance of the respective counsels, I have gone through the record of the case and have given thoughtful consideration to the arguments advanced by the respective counsels.

7. The complainant by name Sanakhan lodged a report in

all four persons. The accused Nos. 1 to 3 are not before this court. The powers under Section 482 of the Cr. P.C. for quashment are invoked by the original accused No. 4-sister-in-law of non-applicant No.2.

8. It is alleged in the FIR lodged by the non-applicant No. 2 that her marriage was solemnized in the month of November, 2021 with accused No.1- Jamal Khan as per muslim rites and ceremony. In the marriage she was gifted with gold ornaments and household articles. The non-applicant No. 2 was treated properly for a month, but thereafter, all the applicants on trifle reasons used to abuse her and assault her by means of fist and blows. They also used to say that non-applicant No.2 does not know how to do the domestic work and also used to say that second marriage of accused No.1 will have to be performed and on that count she was subjected to mental and physical harassment.

9. It was further alleged in the FIR that when she got pregnant and her parents came to matrimonial place to meet her at that time all the accused persons asked her parents, to take informant to parents house. On that count they abused them. Non-applicant No. 2 then was sent to her parents place. The informant delivered a baby daughter, but the child died within four days. The non-applicant No. 2 thereafter, returned to her matrimonial place. But again in-laws

assaulted her on trifle reason.

10. It is alleged in the FIR that when the non-applicant No.2 again got pregnant and was carrying four months pregnancy, she was again sent to parents' place. Non-applicant No.2 was blessed with a baby which fact was informed to in-laws who abused her and asked her not to call them again. It was alleged in FIR that in spite of parents of non-applicant No. 2 repeatedly calling the in-laws, she was not taken by the in-laws to matrimonial house. Therefore, on 18-01-2024 the complaint was lodged with the Women Grievance Redressal Forum where the compromise could not be arrived at. Therefore, FIR came to be lodged.

11. Perusal of the aforesaid allegations would reveal that what is alleged against the applicant are omnibus statement regarding harassment. The complaint as well as statement recorded of witnesses are bereft of specific details. The general and omnibus statement would not be enough to attract the ingredients of offences registered. Even otherwise, the non-applicant No.2 has alleged that it is on trifle reason, the in-laws used to abuse her. Said incident lacks specific details regarding time and period and thus would not be enough to provide foundation for prosecuting the present applicant for the offences registered. The Hon'ble Apex Court in the case of State of Hariyana Vs Bhajanlal, AIR 1992 SC 604 has categorically

stated that if the contents of FIR fails to make out *prima face* case, continuation of prosecution would not be in the interest of justice.

12. Considering the discussion made (supra) following order is passed:

ORDER

- a] The application is allowed in terms of prayer clause- [B] & [F] to the extent of present applicant.
- b] The application is disposed off.
- c] The fees of learned appointed counsel is quantified at Rs.8000/-.

[RAJNISH R. VYAS, J.]