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949criapln4194.24

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

CRIMINAL APPLICATION NO.4194 OF 2024

1. Rahemin Fatima W/o. Aawez Ahemad,
Age-29 years, Occu- Household,
R/o. Parge Nagar, Kondwa Khurd,
Pune
2. Aawez Ahemad,
Age-35 years, Occu-Service,
R/o. Parge Nagar, Kondwa Khurd,
Pune

...APPLICANTS

VERSUS

1. The State of Maharashtra
through Police Inspector,
Nanalpeth Police Station,
Parbhani
2. Nilkhat Firdaus W/o. Zahirullah Khan,
Age-23 years, Occu-Household,
R/o. Khandoba Bazar, Parbhani

Mr.Azhar Baig, Advocate h/f Mr. Mohammad Amir, Advocate for the applicants

Mrs. Priyanka Deshpande, Advocate for the respondent No.2 [appointed]

Mr. V. S. Badakh, APP for the respondents/State

CORAM : RAJNISH R. VYAS, J.

DATE : 10th APRIL, 2026

PER COURT :

1. The original accused Nos. 5 and 6 i.e. sister-in-law and husband of sister-in-law of informant have invoked inherent jurisdiction of this court challenging the FIR bearing No.95/2024

dated 25-02-2024 registered with Nanalpeth Police Station, Dist. Parbhani for commission of offences punishable under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code so also final report and the order taking cognizance.

2. Learned Advocate for the applicants has submitted that allegations made against them are bereft of any details and therefore, prosecution cannot be allowed to be continued against them. He further submitted that in absence of prima facie case, registration of FIR would not be in the interest of justice.

3. Per contra, learned Advocate for the non-applicant No.2 has opposed the application vehemently and has contended that not only the averments in the FIR are corroborated by the supplementary statement of the informant but also by the statement of the witnesses. She submitted that enquiry at this stage is not permissible.

4. Learned APP has also supported the stand taken by the learned Advocate for the non-applicant No.2 and has contended that detail examination of material on record is not permissible at this stage.

5. With the help of the learned advocates for the parties, I have gone through the record of the case. The FIR was lodged at the behest of the non-applicant No.2 in all against six accused. The

present applicants are original accused Nos. 5 and 6 who are sister-in-law and husband of sister-in-law respectively.

6. It was alleged that in the FIR that marriage of the non-applicant No.2 was solemnized on 01-04-2021 with Jahirullah as per muslim rites and ceremonies in which, she was gifted household articles and gold of 4 tolas. She was treated properly by in-laws for one year. According to her non-applicant No.2 was blessed with a child and after his birth, all the applicants had demanded amount of Rs.5 lakhs for establishing the business of spare parts of vehicle. The non-applicant No.2 then informed them that since her father's financial condition is weak, she would not be in a position to meet the demand. It was alleged that mother-in-law, father-in-law on trifle reason used to abuse her.

7. It was further alleged that after the birth of child though the husband had enquired about the child, but he did not attend the naming ceremony. According to her, her husband, father-in-law, mother-in-law used to quarrel with her on trifle reasons. So far as allegations regarding the present applicants are concerned, it was alleged that they have asked the non-applicant No.2 to bring the amount for purchasing a car for original accused No.1-husband. On that count she was subjected to physical and mental harassment.

8. According to her, she narrated the aforesaid fact to her parents and brother who tried to convince the in-laws. But, it did not yield any fruit. On the contrary brother of non-applicant No.2 was humiliated and abused.

9. According to the FIR, on 26-09-2023 at about 02.00 pm again demand of Rs.5 lakhs was made for establishing the business of spare parts of vehicles. At which time non-applicant No. 2 shown her inability. The husband then assaulted her by means of fist and blows and kept her starve. It was alleged that her physical and mental harassment was continued so also abuses at the hands of the father-in-law and mother-in-law. It was further alleged that husband had driven out the non-applicant No.2 and asked her to bring an amount of Rs.5 lakhs. He also stated that unless and until said amount is brought, she would not be allowed to live with them. It was further alleged that thereafter, non-applicant No.2 along with her child stayed at her parents house and since in-laws had not taken her to the matrimonial house, she lodged a complaint with the Women Grievance Redressal Forum. There also none of them remained present and consequently FIR came to be lodged.

10. At this juncture it is necessary to mention here that though the FIR names in all six accused only two accused have approached this court. Other accused have not preferred any

application. Therefore commenting anything on their role would not be necessary and may affect the outcome of the proceedings against them. So far as the present applicants are concerned, the allegations against them is that they have demanded amount of Rs.5 lakhs for purchasing the car for original accused No.1-husband. Omnibus statement is made that they had subjected the non-applicant No.2 to mental and physical harassment.

11. The law in this regard is crystal clear that general, omnibus and vague statements would not be enough to constitute the offences under Section 498-A of the IPC. The ingredients of other offences are also not attracted which is clear from the perusal of the FIR. The statements of witnesses which are recorded during the course of the investigation also shows that allegations against the present applicants are not specific. In that view of the matter and considering the law laid down by the Hon'ble Apex Court in the case of State of Hariyana Vs Bhajanlal, AIR 1992 SC 604 that absence of prima facie would be a ground for quashment of FIR, I am inclined to pass the following order:

ORDER

- a] The application is allowed in terms of prayer clauses-[B]& [B-1] to the extent of present applicants.
- b] The application is disposed off.

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c] Fees of learned appointed counsel is quantified at Rs.8000/-.

[RAJNISH R. VYAS, J.]

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