

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 596 OF 2025

- 1) Shaikh Mujahed Abdul Hamid
Age: 29 years, Occu. Private Service,
R/o. 4-11-41/p, Galli no.3, Mujeeb Colony,
Aurangabad.
 - 2) Shaikh Abdul Hamed Shaikh Abdul Jalil,
Age: 63 years, Occu. Business,
R/o. 4-11-41/p, Galli no.3, Mujeeb Colony,
Aurangabad.
 - 3) Shahnaj Begum Shaikh Abdul Hamed,
Age: 49years, Occu. Household,
R/o. 4-11-41/p, Galli no.3, Mujeeb Colony,
Aurangabad
 - 4) Shaikh Ujed Shaikh Abdul Hamed,
Age:24 Years, Occu. Job in IT Sector,
R/o. Plot no.2, G. no.272, Heena Nagar,
Faisal -4, Chikalthana, Aurangabad.
 - 5) Shaikh Gulnaz Zarrin Shaikh Sami,
Age: 36 Years, Occu. Housewife,
R/o. C/o Samiuddin Shaikh,
Plot no. rnsp-62, Karim colony,
Behind Salim Building, Roshan gate,
Aurangabad.
 - 6) Gazala Farheen Taleb Siddiqui,
Age: 33 Years, Occu. Housewife,
At Present R/o. C/o Mohd Taleb Siddiqui,
Lane no. 3, Near Office of Salim Qureshi,
Aurangabad.
- ..Applicants

VERSUS

- 1) The State of Maharashtra
Through Police Station Officer,
Police Station Peth, Beed, Tq & Dist. Beed.
- 2) Shaikh Adiba Mujahed,
Age: 20 years, Occu: Household,

At present R/o. H.M. Gandhi Nagar,
Nathapur Road, Beed. Tq & Dist. Beed.
Mob no.8421294298.

..Respondents

...
Mr. S.S. Dargad, Advocate for Applicants.
Mr. Suvidh S. Kulkarni, Advocate for Respondent No.2.
Mr. S.P. Joshi, APP for Respondent/State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : APRIL 18, 2026

FINAL ORDER :-

1. The applicants seek quashment of FIR No.101 of 2024 registered with Peth Beed Police Station, Beed for offences punishable under section 498A, 323, 504, 506 read with 34 of Indian Penal Code and consequential proceeding in R.C.C. No.696 of 2024 pending with Chief Judicial Magistrate, Beed along with order taking cognizance.

2. The investigation was set in motion on the basis of information given by respondent no.2. In nutshell, she alleges that she married on 22.05.2022 with applicant no.1 as per Muslim rituals and customs. After marriage, she resided at her matrimonial home along with applicants. She was treated well for six months. Later on, her husband and in-laws started teasing her on pretext that marriage ceremony was not performed as per their expectation. Her father saved amount of Rs.70,000/-, she shall bring said amount from him. Due to continuous demand, her father paid amount to her in-laws and requested to desist from ill-treatment to her. Thereafter, she was treated well for six months and again demand was raised to bring

Rs.2 lakh for furniture. The allegation was made that she is mentally ill and forcibly treated at Prerna Hospital, CIDCO, Chhatrapati Sambhajanagar. Thereafter, she has been left to maternal home. Since 20.11.2022, she is residing with her parents. Her husband abused her parents and issued notice for divorce. Although her father and other relatives attempted conciliation, it was failed. Aforesaid information culminated into registration of FIR. The investigation progressed finally, charge sheet has been filed. The learned Chief Judicial Magistrate took cognizance by order dated 05.12.2024.

3. Mr. Dargad, learned advocate appearing for applicants submits that this is a case of false implication of husband and his relatives. The contents of FIR are omnibus and bereft to make out any offence. Respondent No.2 is suffering from mental disorder. The present complaint is filed only when applicant No.1 had made complaint against respondent no.2 and her family members regarding her misconduct. He invited attention of this Court to order dated 08.10.2025 passed in R.C.S. No. 564 of 2024 whereby decree of divorce has been passed by Civil Court against respondent.

4. Per contra, Mr. Suvidh Kulkarni, learned advocate appearing for respondent no. 2 submits that there are specific allegations regarding illegal demand and ill-treatment subjected to informant. The role of husband and other relatives is specified. The statement of witnesses recorded during course of investigation also

corroborates contents of FIR. There is sufficient material to relegate applicants for trial.

5. Having considered submissions advanced by learned advocates appearing for respective parties and after going through record tendered into service, it can be observed that on 22.04.2024 FIR has been registered on the information given by respondent no.2. Prior to that on 31.01.2024, applicant no.1 had submitted a complaint to police commissioner regarding eccentric behavior of respondent no. 2 and her suicidal tendency. The document shows that on 13.12.2022, a compromise has been recorded between applicant no.1/husband and respondent no.2/wife wherein she assured of good behavior. On 08.10.2025, decree of divorce has been passed by learned Civil Judge Senior Division, Aurangabad which shows that marriage between applicant no.1 and respondent no. 2 is dissolved in terms of Section 2 and 3 of Dissolution of Muslim Marriages Act, 1939.

6. Turning to allegations in FIR, it can be seen that in first part, allegations are made against all family members from husband's side that she was subjected to ill-treatment on demand of Rs.70,000/-. In second part, allegation is that she was subjected to ill-treatment on demand of Rs.2 lakh. However, particulars of ill-treatment are absent. The omnibus and general allegations are made against all applicants that there was demand and ill-treatment. The

averments in FIR suggest that marriage of respondent no.2 was solemnized on 22.05.2022 and since 20.11.2022, she was residing at maternal home. The FIR has been lodged on 22.04.2024. No explanation is given for inordinate delay in lodging FIR. Admittedly, informant was treated at Prerna Hospital. The documents on record support all such averments. Be that as it may, considering allegations in FIR and statements of witnesses recorded during course of investigation, apparently except some allegations against husband, there are no specific stipulations against other accused. The incident dated 20.11.2023 states about ill-treatment at the hands of husband on account of demand of Rs.2 lakh. However, such allegations are made on service of notice for divorce by applicant/husband.

7. In light of aforesaid observations, reference needs to be given to exposition of law by Hon'ble Supreme Court in case of ***Kahkashan Kausar alias Sonam and Others Vs. State of Bihar and Others*** reported in ***(2022) 6 SCC 599*** particularly para 17 which reads thus :

“17. The above-mentioned decisions clearly demonstrate that this court has at numerous instances expressed concern over the misuse of section 498A IPC and the increased tendency of implicating relatives of the husband in matrimonial disputes, without analysing the long term ramifications of a trial on the complainant as well as the accused. It is further manifest from the said judgments that false implication by way of general omnibus allegations made in the course of matrimonial dispute, if left unchecked would result in misuse of the process

of law. Therefore, this court by way of its judgments has warned the courts from proceeding against the relatives and in-laws of the husband when no prima facie case is made out against them.”

8. Reference can also be given to observations of another judgment of Hon’ble Supreme Court in case of ***Preeti Gupta and Another Vs. State of Jharkhand and Another*** reported in **(2010) 7 SCC 667**, particularly paragraph nos.30, 32 and 34, which read thus :

“30. It is a matter of common knowledge that unfortunately matrimonial litigation is rapidly increasing in our country. All the courts in our country including this Court are flooded with matrimonial cases. This clearly demonstrates discontent and unrest in the family life of a large number of people of the society.

32. It is a matter of common experience that most of these complaints under section 498-A IPC are filed in the heat of the moment over trivial issues without proper deliberations. We come across a large number of such complaints which are not even bona fide and are filed with oblique motive. At the same time, rapid increase in the number of genuine cases of dowry harassment are also a matter of serious concern.

34. Unfortunately, at the time of filing of the complaint the implications and consequences are not properly visualized by the complainant that such complaint can lead to insurmountable harassment, agony and pain to the complainant, accused and his close relations.”

9. Reference can also be given to observations of another judgment of Hon’ble Supreme Court in case of ***Geeta Mehrotra and Another Vs. State of Uttar Pradesh and Another*** reported in **(2012) 10 SCC 741**, particularly paragraph no.25, which read thus :

“25. However, we deem it appropriate to add by way of caution that we may not be misunderstood so as to infer that even if there are allegations of overt act indicating the

complicity of the members of the family named in the FIR in a given case, cognizance would be unjustified but what we wish to emphasize by highlighting is that, if the FIR as it stands does not disclose specific allegation against accused more so against the co-accused specially in a matter arising out of matrimonial bickering, it would be clear abuse of the legal and judicial process to mechanically send the named accused in the FIR to undergo the trial unless of course the FIR discloses specific allegations which would persuade the court to take cognizance of the offence alleged against the relatives of the main accused who are prima facie not found to have indulged in physical and mental torture of the complainant-wife. It is the well settled principle laid down in cases too numerous to mention, that if the FIR did not disclose the commission of an offence, the court would be justified in quashing the proceedings preventing the abuse of the process of law. Simultaneously, the courts are expected to adopt a cautious approach in matters of quashing specially in cases of matrimonial dispute whether the FIR in fact discloses commission of an offence by the relatives of the principal accused or the FIR prima facie discloses a case of over-implication by involving the entire family of the accused at the instance of the complainant, who is out to settle her scores arising out of the teething problem or skirmish of domestic bickering while settling down in her new matrimonial surrounding.”

10. If exposition of law indicated above is applied to facts of present case, this Court finds that present FIR is an example of over-implication and misuse of Section 498-A. The applicants are implicated only on the basis of omnibus, unspecific allegations by way of belatedly filed FIR, only after service of notice of divorce by husband. In result, this Court finds that case is made out to exercise inherent powers to quash FIR and consequential proceeding as the same would amount to misuse of criminal proceedings and undue harassment to applicants.

11. In result, application is allowed in terms of prayer clause (B) and (B-1).

(S.G. CHAPALGAONKAR, J.)