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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.69 OF 2024

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| 1. | Tarikoddin s/o Gyasoddin Sheikh,
Aged about 52 Years,
Occupation : Service. | [Brother-in-law] |
| 2. | Nawaboddin s/o Gyasoddin Sheikh,
Aged about 56 Years,
Occupation : Service. | [Brother-in-law] |
| 3. | Gyasoddin s/o Bashiroddin Sheikh,
Aged about 75 Years,
Occupation : Retired, | [Father-in-law] |
| 4. | Sugra Begum W/o Gyasoddin Sheikh,
Aged about 65 Years,
Occupation : Household, | [Mother-in-law] |

All R/o. Mujawarpura,
Barshitakli, Taluka Barshitakli,
District Akola.

.... APPLICANTS

// VERSUS //

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| 1. | State of Maharashtra,
through Police Station Officer,
Police Station, Karanja Lad,
District Washim. | |
| 2. | Nagma Parveen Wd/o Waijoddin Sheikh,
Aged about 33 Years,
Occupation : Household,
R/o. C/o. Ejaj Ahmed Khan Nazir Khan,
Behind Anwar School, Garib Nawaj Plot,
Karanja (Lad), Taluka Karanja (Lad),
District Washim. | |

....NON-APPLICANTS

Mr. Tushar U. Tathod, Advocate for applicants.
Mr. A. M. Kadukar, APP for non-applicant No.1/State.
Mr. Nilesh Tikar, Advocate h/f Mr. R. D. Karode, Advocate for
non-applicant No.2.

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CORAM : URMILA JOSHI-PHALKE, J.
DATED : 24/03/2026

ORAL JUDGMENT :

1. Heard.

2. **Admit.**

3. Heard finally with the consent of the learned Counsel for the applicants, learned APP for the State and learned counsel for the non-applicant No.2.

4. By this application the applicants are seeking quashing of the FIR in connection with Crime No.701/2023 registered with Police Station Karanja Lad, District Washim for the offence punishable under Sections 498A, 354, 323, 504, 506 read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing RCC No.261/2024.

5. Heard learned counsel for the applicants, who submitted that the present applicants are brothers-in-law, parent's-in-law. The crime is registered on the basis of a report lodged by the non-applicant No.2 on an allegation that she got married with Waijoddin Sheikh i.e. the son of the applicant Nos.2 and 3, as per the Muslim rites and religion. After marriage, she started residing in the joint family. Her husband was doctor by profession and out of the said wedlock, she is having two children aged about 6 years and 4 years. On 18.02.2022, her

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husband met with an accident and got serious injuries and succumbed to the injuries on 20.02.2022. After the demise of her husband, the present applicants started harassing her physically as well as mentally. They started taunting her and they have also obtained gold ornaments and cash amount of Rs.7,00,000/- from her. Due to the aforesaid harassment, she contacted her father on 30.04.2022, but the applicants were not in a position to hear anybody and they continued the harassment and therefore, she constrained to leave the matrimonial house and lodged the report. On the basis of the said report, police have registered the crime against the present applicants.

6. Learned counsel for the applicants submitted that due to the property dispute between the applicants and the non-applicant No.2, this FIR came to be lodged. He further submitted that the applicant No.1 has executed a gift deed in favour of the non-applicant No.2. Thereafter, she started claiming the property rights and therefore, this FIR came to be lodged. He submitted that on the basis of omnibus, general and vague allegations, the applicants are implicated in the alleged offence and no *prima facie* case is made out. Hence, the application deserves to be allowed.

7. Per contra, learned counsel for the non-applicant No.2 and learned APP strongly opposed the said contention and

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submitted that she has narrated the specific incident dated 20.02.2022 thereafter 21.10.2022 and 24.10.2022, which sufficiently shows the role of the applicant No.1. They have submitted that she was not only physically and mentally harassed but the applicant No.1 also subjected her for the outraging of the modesty. Admittedly, the non-applicant No.2 is not having any support, as her husband is already died and by taking disadvantage of the same and for depriving her from her rights, the present applicants started harassing her and thereby committed an offence. In view of that, they prayed for rejection of the application.

8. After hearing both sides and on perusal of the entire investigation papers, there is no dispute that the marriage of the non-applicant No.2 was performed with the son of the applicant Nos.2 and 3, who succumbed to the death on 20.02.2022, due to the accidental injuries. Thereafter, the non-applicant No.2 started residing together along with the present applicants. She has specifically alleged that applicant No.1 started physically assaulting her by pulling her hair as well as by fist and kick blows. Her gold ornaments were also snatched by him. Thus, as far as the applicant No.1 is concerned, there is specific allegations against him regarding the physical assault as well as the mental torture. Thus, *prima facie* case is made out against the applicant No.1. As far as the applicant Nos.2 to 4 are

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concerned, admittedly, except the reference of their names and the omnibus and vague allegations, no specific instances are narrated against them and therefore, the application deserves to be allowed partly. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is **allowed partly**.
- (ii) The FIR in connection with Crime No.701/2023 registered with Police Station Karanja Lad, District Washim for the offence punishable under Sections 498A, 354, 323, 504 and 506 read with Section 34 of the Indian Penal Code and the consequent proceeding arising out of the same bearing RCC No.261/2024, are hereby quashed and set aside to the extent of the applicant Nos.2 to 4.
- (iii) The prayer of the applicant No.1 **Tarikoddin s/o Gyasoddin Sheikh** for quashing of the FIR is hereby rejected.
- (iv) The trial Court shall not be influenced by the observations made by this Court which are only for the purpose of the quashing of the FIR.

The application is disposed of.

(URMILA JOSHI-PHALKE, J)