



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (APL) NO. 1204 OF 2024**

1. Avej Ahemad s/o Faruk Ahemad
Aged about : 40 Years, Occu : Nothing; R/o Pensionpura, Hingoli, Tahsil and District Hingoli-431513.
2. Tahsin Sultana w/o Shaikh Farooqe Ahemad, Aged about : 52 Years; Occu : Housewife; R/o Pensionpura, Hingoli, Tahsil and District Hingoli-431513.
3. Arbaz Ahemad s/o Farooqe Ahemad
Aged about : 31 Years; Occu : Daily wager; R/o Pensionpura, Hingoli, Tahsil and District Hingoli-431513.
4. Nagin Begaj w/o Mujamil Khan alias (Sahiya Naz w/o Muzammil Khan), Aged about : 26 Years, Occu : Daily wager; R/o Resala Bazar, Hingoli, Tahsil and District Hingoli-431513.
5. Farhanaaz Imtiyaz Shaikh alias (Farhanaaz w/o Imtiyaz Khan), Aged about : 36 Years, Occu : Household; R/o Flat No. 23, Venkatesh Villa, Vishwakarma Nagar, Sub Road, Pashan, Pune City, Pune.
6. Ahzaz Ahmad s/o Raouf Ahmad alias (Shaikh Aijaz Ahmed s/o M. A. Rauf Shaikh), Aged about ; 58 Years; Occu : Daily wager; Taroda Sana Colony, Taroda, Nanded-431605.

7. Zahir Ahmad Mohamed Usman alias (Zahir s/o Usman Shaikh), Aged about : 65 Years; Occu : Daily wager; Tahsil and District Hingoli-431513.
8. Sharek Ahmad alias (Sharekh Mohammad s/o Jahir Ahemad Shekh), Aged about : 32 Years, Occu : Daily Wager; R/o Pensionpura, Hingoli, Tahsil and District Hingoli-431513.
9. Sajib Ahazaz Ahmad alias (Shaikh Shahzab Rizwan s/o Aijaz Ahemad), Aged about : 31 Years, Occu : Daily wager; R/o H. No. 1-6-902, Nizam Colony, Near KhawajaGaan Masjid, Post : Bavasar Chowk, Tahsil Taroda, District Nanded – 431605.
10. Imran Khan Jabbar Khan alias (Imran Khan s/o Jabbar Khan Pathan), Aged about : 34 Years, Occu : Daily Wager; R/o Pensionpura, Hingoli, Tahsil and District Hingoli-431513.
11. Anis Ahmad Siddique alias (Anees Ahemad Siddiqui s/o Gulam Ahemad Siddiqui), Aged about : 56 Years; Occu : Daily wager; Ardhapur, 1089 Dargah Road, Tahsil Ardhapur, District Nanded-431704.

... APPLICANTS

VERSUS

1. The State of Maharashtra
Through Police Station Officer, Resod Police Station, Washim, District Washim.
2. Afrin Parveen Avej Ahemad
Aged about : 40 Years; Occu : Labourer;

Aged about : 39 Years, Occu : Household;
R/o Pathanpura, Resod, Near Balasamudra,
Washim, District Washim.

... **RESPONDENTS**

Mr. M. K. Mishra, Advocate for Applicants.
Mr. G. S. Umale, APP for Respondent No.1/State.
None for the Respondent No.2.

CORAM : PRAVIN S. PATIL, J.
DATE : JANUARY 20, 2026.

ORAL JUDGMENT

. Heard. **Rule.** Rule made returnable forthwith. Heard finally with consent of the learned Counsel for both sides.

2. The Applicants herein are husband and in-laws of the Respondent No.2. By this Application, they sought quashment of the proceeding bearing Regular Criminal Case No. 105/2022 pending on the file of Judicial Magistrate First Class, Risod, District Washim and Chargesheet No. 95/2022 dated 30/3/2022 arising out of Crime No. 490/2021 registered at Police Station, Risod, District Washim for the offence punishable under Sections 498-A, 323, 504 read with Section 34 of Indian Penal Code and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

3. It is the submission of the Applicants that filing of complaint by

the Respondent No.2 against them is nothing but a counter-blast to the First Information Report lodged by the Applicant No.1 dated 31/3/2021 registered with Police Station, Hingoli vide Crime No. 82/2021 for the offence punishable under Sections 324, 323, 504, 506 read with Section 34 of Indian Penal Code against the brothers of Respondent No.2. Hence, according to them, criminal proceeding initiated by the Respondent No.2 is with an oblique motive, and hence, indulgence of this Court is necessary in the matter.

4. The learned APP has strongly opposed this Application. The Respondent No.2 was duly served, but none appeared on her behalf.

5. The prosecution case in short is that, the marriage was solemnized between the Applicant No.1 and Respondent No.2 on 29/4/2016. After marriage Respondent No.2 went to the house of Applicants for cohabitation. After marriage, for about two to three months, Applicants treated her respectfully and thereafter they started subjecting her to cruelty on trivial issues and started demanding dowry of Rs.10.00 Lacs from her parents for setting up the business of Footware shop. It is also alleged that Applicants have quarreled with the parents and brothers of the Respondent No.2 and have assaulted them along with the Respondent No.2. As such, on the basis of these

allegations, offence came to be registered against the present Applicants vide Crime No. 490/2021 dated 7/6/2021 at Police Station, Risod, District Wahim.

6. The Applicants have pointed out the FIR dated 31/3/2021 lodged by the Applicant No.1 against the Respondent No.2 and her brothers. It is the specific allegations of the Applicant No.1 that when he returned back from Hyderabad on 24/3/2021 he started residing with his mother at Pensionpura, Hingoli. However, in the night of 27/3/2021, Respondent No.2 along with her brothers came to the house of Applicant No.1, threatened him as well as abused in filthy language on the count of not giving respectful treatment to the Respondent No.2 as wife. As such, due to that incident, complaint was lodged by the Applicant/husband and same was registered as Crime No. 82/2021 for the offence punishable under Sections 324, 323, 504, 506 read with Section 34 of IPC against the brothers of Respondent No.2.

7. It is also pointed out that after lodging the complaint by Respondent No.2, she has been separated from the Applicant No.1 and now residing with her parents since long. Therefore, it is clear that only because of the complaint lodged by the Applicant No.1, Respondent No.2 lodged the complaint dated 7/6/2021 with an oblique motive.

8. Apart from the oblique motive, it is stated that perusal of the report and statement of the Respondent No.2 nowhere shows any specific date, time, place and manner of harassment and the details as required under the provisions of law. The bare perusal of FIR only shows that allegations made by the Respondent No.2 against the Applicants are vague and omnibus in nature. It is also falsely alleged that Applicant Nos.3 to 11 have instigated the Applicant No.1 to demand dowry from the Respondent No.2. Except this, Respondent No.2 did not provide any specific details nor described any particulars of harassment. Therefore, the FIR in the present matter lacks concrete and precise allegations against the present Applicants.

9. It is well settled position of law that allegations of the harassment against the relatives of husband should be specific and in such cases the Court must take pragmatic realities into consideration while dealing with the matrimonial cases. The allegations of the Respondent No.2 are required to be examined with care and caution.

10. After perusal of the record, it is clear that Respondent No.2 made vague and omnibus allegations against the Applicants in the matter. Allegations shows that she was not given respect in the family, she was treated

as domestic servant and the relatives of Applicant/husband instigated him to cause harassment to her. In my considered opinion, these allegations falls short to satisfy the ingredients of Section 498-A of IPC.

11. In the present matter after going through the entire record, I am of the opinion that Respondent No.2 has filed police complaint against the Applicants with an oblique motive and as a counter-blast to the earlier complaint of Applicant/husband. The FIR and statements which are recorded, lacks specific details as required in the process of law, therefore, no offence under Section 498-A of IPC is made out in the matter. Therefore, it is the fit case for indulgence of this Court, and accordingly, I proceed to pass following order.

ORDER

1. Criminal Application is allowed.
2. The proceeding bearing Regular Criminal Case No. 105/2022 pending on the file of Judicial Magistrate First Class, Risod, District Washim and Chargesheet No. 95/2022 dated 30/3/2022 arising out of Crime No. 490/2021 registered with Police Station, Risod, District Washim for the

offence punishable under Sections 498-A, 323, 504 read with Section 34 of Indian Penal Code and Section 4 of Muslim Women Protection Act is hereby quashed and set aside.

3. Rule is made absolute in above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

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