

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 5352 OF 2024

Abdulhameed Afzal Shaikh & Ors.

..Petitioners

Versus

The State of Maharashtra & Anr.

..Respondents

Mr. R. D. Suryavanshi for Petitioners.

Mr. S. V. Gavand, APP for State/Respondent.

Mr. Sanjeev Kadam, Sr. Advocate a/w. Sherin Baby a/w. Mitali Varma, Suhail Shariff and Varsha Thorat i/b. Falcon Legal for the Respondent No.2.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 7 MAY 2025

PC :

1. This is a petition for quashing of the proceedings in connection with Sessions Case No.1040 of 2023 pending before the Sessions Court, Greater Mumbai, arising out of the C.R.No.1156 of 2022, registered at Santacruz police station, Mumbai, on 07.11.2022, under sections 498-A, 377, 313, 406, 323, 504 and 506 r/w. 34 of the I.P.C.

2. Heard Mr. R. D. Suryavanshi, learned counsel for the Petitioners, Mr. S. V. Gavand, learned APP for the State and Mr. Sanjeev Kadam, learned senior counsel for the Respondent No.2.

3. The F.I.R. is lodged by the Respondent No.2. The Petitioner Nos.1 and 2 are the parents of her husband. The Petitioner No.3 is her brother in law, the Petitioner No.4 is her sister in law, the Petitioner No.5 is husband of the Petitioner No.4, the Petitioner No.6 is her another sister in law, the Petitioner No.7 is husband of the Petitioner No.6, the Petitioner No.8 is yet another sister in law and the Petitioner No.9 is husband of the Petitioner No.8. The gist of the F.I.R. is that the informant got married with her husband on 06.11.2014. At that time, the marriage expenses were borne by the informant's father. Her husband was given the ornaments and the informant was given *stridhan* by her father. Besides ornaments and the household articles, the washing machine, food processor, refrigerator etc. were also given by the informant's father.

4. Learned counsel for the petitioners submitted that in the

entire F.I.R. there is absolutely no allegations against the present petitioners. In fact, the Petitioner Nos.8 and 9 are residing in Hyderabad and other sisters in law are residing separately and yet, to pressurise the entire family, all of them are roped in.

5. We have considered these submissions and we have perused the F.I.R. As mentioned earlier, apart from the allegations of accepting ornaments and articles by the husband, almost all the allegations are directed towards the husband alone. In the meantime, during their cohabitation, the informant gave birth to two sons in the year 2016 and 2019. Her husband was having extra marital relationships. The allegations against the petitioners are that, they did not stop the husband from illtreating the informant. From these vague allegations, we find force in the submission of the learned counsel for the Petitioners. Apart from the F.I.R., there are statements of the parents and sister of the informant. They are supporting the allegations in the F.I.R. Their allegations did not travel beyond the allegations in the F.I.R. Therefore, since the learned counsel for the Respondent No.2 is seeking adjournment, we are adjourning the matter. But the

learned counsel for the Petitioners has made out a case for grant of ad-interim relief.

6. Hence, the following order:

O R D E R

- i) Stand over to 31.07.2025.
- ii) Till then, the Trial Court shall not proceed against the Petitioners.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)