

**Court No. - 86**

**Case :-** APPLICATION U/S 482 No. - 8254 of 2020

**Applicant :-** Haseen Khan And 2 Others

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Mohd. Samiuzzaman  
Khan, Mohammad Wadood

**Counsel for Opposite Party :-** G.A., Om Narayan Pandey

**Hon'ble Rajiv Gupta, J.**

1. Heard Shri Saddam Husain, Advocate holding brief of Shri Mohammad Wadood, learned learned counsel for the applicants, learned AGA for the State, Shri Om Narayan Pandey, learned counsel for opposite party no.2 and perused the record.

2. The present application under Section 482 Cr.P.C. has been filed for quashing summoning order dated 29.06.2019 as well as entire proceedings of Complaint Case No.1161 of 2018 (Smt. Nisha Khan Vs. Haseen Khan and others), under Sections 498-A, 323 and 506 IPC and Section 3/4 D.P. Act, P.S. Jalalabad, District Shahjahanpur, pending in the court of Additional Civil Judge (Sr. Div.), Shahajahanpur.

3. The instant application filed on behalf of applicant no.1 has already been disposed of by this Court vide order dated 03.03.2022 and it survives only qua applicant nos. 2 & 3.

4. As per the allegations made in the complaint, it is alleged that opposite party no. 2 was married to applicant no. 1 on 21.05.2014. Applicant nos.2 and 3 are the parents-in-law of opposite party no. 2, however, after the said marriage, the applicants started demanding additional dowry and for non-fulfilment of demand of additional dowry, they started torturing and maltreating her and subjected her to cruelty and turned her out of her matrimonial home.

5. Learned counsel for the applicants has submitted that from the perusal of the allegations made in the complaint and the material collected during the course of enquiry, no offence is disclosed against the applicants and the present prosecution has been instituted with a malafide intention for

the purposes of harassment. He has pointed out certain documents and statements in support of his contention.

6. So far as the applicant nos.2 and 3 are concerned, learned counsel for the applicants has next submitted that no specific allegation has been made against them rather general and vague allegations, just to drag them in criminal court has been alleged. As a matter of fact, they have no concern whatsoever with the day to day affairs between husband and wife and have been falsely roped in only on account of being the family members of her husband.

7. Per contra, learned AGA has submitted that from the perusal of the allegations made in the complaint and the material collected during the course of enquiry, prima facie offence is clearly made out against applicants.

8. From the material collected during the course of enquiry also, it is evident that general, vague and omnibus allegations have been made against applicant nos.2 and 3, who are parents-in-law of opposite party no.2 and as such, it would be unjust if they are forced to go through tribulations of a trial, that is, general, vague and omnibus allegations cannot be manifest in a situation, where the relatives of the victim's husband are forced to undergo trial in view of law laid down by Hon'ble Apex Court in varied instances, that a criminal trial leading to an eventual acquittal also inflicts severe scars upon the accused, and such an exercise must therefore be discouraged.

9. In view of law laid down by the Hon'ble Apex Court in the case of ***Taramani Parak Vs. State of M.P. and Others, (2015) 11 SCC 260, Geeta Mehrotra and Another Vs. State of U.P. and Another, (2012) 10 SCC 741, Kahkashan Kausar @ Sonal Vs. State of Bihar (2022) 6 SCC 599*** and ***Abhishek Vs. State of M.P., Criminal Appeal No. 1456 of 2023***, the aforesaid proceedings in respect of applicant nos.2 and 3 are quashed.

10. This application under Section 482 Cr.P.C. is allowed and the entire proceedings stands quashed on behalf of remaining applicant nos. 2 & 3.

**Order Date :- 7.11.2023**  
Subham