

**Court No. - 88**

**Case :-** APPLICATION U/S 482 No. - 10121 of 2019

**Applicant :-** Narayan Soni And 6 Others

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

**Counsel for Applicant :-** Saif Ali

**Counsel for Opposite Party :-** G.A.

**Hon'ble Sanjay Kumar Singh,J.**

1-Heard learned counsel for the applicants, learned A.G.A. for the State of U.P./opposite party no.1 and perused the record.

2-This application under Section 482 Cr.P.C. has been filed by the applicants with a prayer to quash the charge-sheet dated 16.10.2018 arising out of Case Crime No. 0253 of 2018, summoning order dated 20.12.2018 and proceedings of Case No. 5610 of 2018 (State Vs. Surya Pratap Soni and others), under Sections 498-A, 323, 504, 506 I.P.C. and Sections 3/4 Dowry Prohibition Act, Police Station Saini, District Kaushambi pending in the court of Chief Judicial Magistrate, Kaushambi.

3-Brief facts of the case are that opposite party no.2- Sanno Devi lodged F.I.R. on 23.05.2018 against her husband-Surya Pratap Soni as well as her father-in-law, mother-in-law, brothers-in-law (*Devar*) and unmarried sisters-in-law (*Nanad*) making allegations inter-alia of demand of Rs.1 lakh and a motorcycle as well as her harassment in her matrimonial home by the accused persons. She also alleged that on account of non fulfilment of their demands, she had been ousted on 18.07.2015 from her matrimonial home. After culmination of investigation, charge-sheet dated 16.10.2018 has been submitted against the applicants as well as her husband, on which learned Magistrate took cognizance and summoned them vide order dated 20.12.2018 to face trial.

4-It is submitted by learned counsel for the applicants that the applicant nos. 1 and 2 are father-in-law and mother-in-law, applicant no.3 is brothers-

in-law (Devar), applicant nos. 4, 5, 6 and 7 are sisters-in-law (*Nanad*) of opposite party no.2. They have no concern with the matrimonial dispute between opposite party no. 2 and her husband-Surya Pratap Soni. Since the opposite party no.2 was not ready to live in joint family, therefore she, in order to settle her personal score lodged F.I.R. making false allegations against the applicants, whereas no such incident took place as alleged by her. It is also pointed out that it is a case of no injury. No specific role has been attributed to the applicants and only general allegations of harassment have been levelled against the applicants by opposite party no. 2. The case of the applicants is distinguishable from the case of husband of the opposite party no. 2, who is facing trial. The applicants have been falsely implicated in this case because they happen to be relatives of the husband of opposite party no. 2. Learned counsel for the applicants lastly submits that the criminal proceedings against the applicants is nothing but a malicious prosecution and abuse of the process of the Court.

5-Learned A.G.A. opposed the prayer of the applicants reiterating the prosecution case as mentioned in the F.I.R.

6-Having heard the learned counsel for the parties as noted above, I find that it is not in dispute that husband is facing trial and general allegations have been levelled against the applicants without attributing any specific role. It is also not in dispute that at the time of lodging F.I.R., the applicant nos. 4, 5, 6 and 7, who are sisters-in-law (*Nanad*) of the opposite party no.2 were unmarried, but during the pendency of this application before this Court, they got married and are enjoying their marital life peacefully. Vide order of coordinate Bench of this Court dated 08.04.2019, notice was issued to opposite party no.2, but despite service, no one has put in appearance on her behalf and no counter affidavit has been filed either by the State or by opposite party no.2. Considering the facts and circumstances of the case in the light of the judgments of Apex Court in the case of **Geeta**

**Mehrotra and Another vs. State of U.P. and Another, (2012) 10 SCC 741 and Kahkashan Kausar Alias Sonam and Others vs. State of Bihar and Others, (2022) 6 SCC 599**, this Court is of the view that the impugned charge-sheet and criminal proceedings pursuant thereto are liable to be quashed.

7-Accordingly impugned charge-sheet dated 16.10.2018 arising out of above Case Crime No. 0253 of 2018, summoning order dated 20.12.2018 and criminal proceedings pursuant thereto against the applicants in the aforesaid case are hereby quashed.

8-The application under Section 482 Cr.P.C. stands ***allowed***.

**Order Date :- 1.11.2023**

Kashifa