

Court No. - 86

Case :- APPLICATION U/S 482 No. - 35002 of 2022

Applicant :- Raju Alias Chhota Alias Rajju And 5 Others

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

Counsel for Applicant :- Vinay Kumar,Raj Kumar Dhama

Counsel for Opposite Party :- G.A.,Qamrul Hasan

Hon'ble Rajiv Gupta,J.

1. Learned Counsel for the applicants is permitted to implead Ananda Bai W/o applicant no.1 as opposite party no.3 during the course of the day.

2. Heard learned counsel for the applicants, learned AGA for the State, Sri Qamrul Hasan, learned Counsel for the opposite party nos. 2 and 3 and perused the record.

3. The present application under Section 482 Cr.P.C. has been filed for quashing cognizance/summoning order dated 01.09.2022 as well as entire proceedings of Criminal Case No. 755/ix/2022, arising out of Case Crime No. 0121 of 2022, under Sections 498-A, 323 and 506 IPC and Section 3/4 D.P. Act, P. S. Baberu, District Banda, pending in the court of Judicial Magistrate, Baberu, District Banda.

4. The instant application filed on behalf of applicant no.1 has already been dismissed by this Court *vide* order dated 16.12.2022 and the same survives only for applicant nos. 2 to 6.

5. As per the allegations made in the F.I.R., it is alleged that opposite party no. 3 was married to applicant no. 1 on 30.04.2021, 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.

6. Learned counsel for the applicants has submitted that from the perusal of the allegations made in the F.I.R. and the material collected during the course of investigation, no offence is disclosed against the applicants and the present prosecution has been instituted with a mala-fide intention for the purposes of harassment. He has pointed out certain documents and statements in support of his contention.

7. So far as the applicant nos.2 to 6 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

8. Per contra, learned AGA as well as learned Counsel for the opposite party nos. 2 and 3 have submitted that from the perusal of the allegations made in the F.I.R. and the material collected during the course of investigation, *prima facie*, offence is clearly made out against applicants.

9. From the material collected during the course of investigation also, it is evident that general, vague and omnibus allegations have been made against applicant nos.3, who is the mother-in-law of opposite party no.3, applicant nos. 2 and 4, who are the brothers-in-law of the opposite party no.3 and applicant nos. 5 and 6, who are sisters-in-law of the opposite party no.3 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.

10. 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 the applicant nos. 2 to 6 are quashed.

11. This application under Section 482 Cr.P.C. is **allowed** and the entire proceedings stands quashed on behalf of remaining applicant nos. 2 to 6.

Order Date :- 21.11.2023
Vijay