

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO. 220 OF 2021

1. Mubeen Ahmed Gaffar Khan,
Aged 60 years, Occupation : Retired,
R/o. Chaprasipura, Camp,
Amravati, Tq. Distt. Amravati.
2. Hajra Bano Abdul Gaffar,
Age 66 years, Occupation : Nil,
R/o. C/o. Sajid Khan, Chaprasipura,
Camp, Amravati, Distt. Amravati.**APPLICANTS**

... **VERSUS** ...

1. The State of Maharashtra,
Through P. S. O. Frezerpura,
Amravati.
2. Farheen Kausar W/o. Wasim Khan,
Age : 27 years, Occupation : Nil,
R/o. C/o. Sonu Quazi Fahimuddin Quazi,
Pirbayzit Sawmill,
Ahead of Ayema Colony,
Ashti, Tq. Ashti, District – Wardha.**NON-APPLICANTS**

Shri A. A. Syed, Advocate for the Applicants.
Shri S. M. Ghodeswar, Additional Public Prosecutor for the Non-applicant
No.1/State.
Shri Kartik Rao, Advocate for the Non-applicant No.2.

**CORAM : V. M. DESHPANDE AND
AMIT B. BORKAR, JJ.**

DATE : 17.08.2021.

ORAL JUDGMENT : (PER AMIT B. BORKAR, J.)

1. Heard.
2. Rule. Rule is made returnable forthwith.

3. By this application under Section 482 of the Code of Criminal Procedure, the applicant No.1 who is father-in-law and the applicant No.2 who is not related to the non-applicant No.2 are challenging registration of the First Information Report No.485/2020 filed against them with the non-applicant No.1-Police Station for the offences under Sections 498-A read with Section 34 of the Indian Penal Code and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

4. The First Information Report came to be registered against the husband of the non-applicant No. 2 and the applicants with the allegations that the husband of the non-applicant No.2 assaulted the non-applicant No.2 on 25.03.2020. In the First Information Report there is vague allegations that applicants have physically and mentally harassed the non-applicant No.2.

The applicants have therefore, challenged registration of the First Information Report by way of filing the present application.

5. This Court on 08.02.2021, issued notice to the non-applicants. The non-applicant No.1 – Investigating Agency has filed reply stating that the Investigating Officer has recorded statements of various witnesses, which *prima facie* depicts the role

played by the applicants in connivance with the accused No.1 in commission of the offences alleged against the applicants. The non-applicant No.2 has also filed reply stating that the allegations in the First Information Report are sufficient to constitute the offences alleged against the applicants.

6. We have carefully considered the allegations made in the First Information Report. On careful consideration of the First Information Report, we are satisfied that the applicant No.1 is father-in-law of the non-applicant No.2. The applicant No.2 is not related to the non-applicant No.2. The allegations made in the First Information Report against the applicants are vague in nature. There are no specific instances of involvement of applicants set out in the First Information Report.

7. The Hon'ble Supreme Court in the case of ***K. Subba Rao and Ors. Vs. State of Telangana*** reported in (2018) 14 SCC 452 observed that relatives of husband should not be roped in on the basis of vague allegations unless specific instances of their involvement are set out in the First Information Report.

8. In absence of specific allegations and specific instances, the applicants could not have been roped in by the non-applicant No.2. We are, therefore, satisfied that continuation of the

proceedings against the applicants would amount to abuse of process of Court.

9. We therefore, pass the following order :

The First Information Report No.485/2020 registered with the non-applicant No.1 - Police Station for the offences under Sections 498-A read with Section 34 of the Indian Penal Code and Section 4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019 is quashed and set aside against the applicants.

10. Rule is made absolute in the above terms. Pending application(s), if any, stand(s) disposed of.

JUDGE

JUDGE