

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

CRIMINAL APPLICATION (APL) NO.107 OF 2015

Smt. Krishnabai Surendraji Kejriwal,
Aged about 56 years,
Occupation : Housewife,
R/o. House No.63/179, Pimpri Khurd,
Seeke 63, Police Station Chowk,
Distt. Varanasi,
State Uttar Pradesh.

....APPLICANT

// VERSUS //

1. State of Maharashtra,
Through Police Station Officer,
Frezerpura Police Station,
Taluka and Distt. Amravati.
2. Sau. Kavita Vikas Kejriwal,
Aged about 26 years,
Occupation : Education,
R/o. C/o. Shri Prabhudas Bajirao
Lokhande, Tivsa Ghat Taluka Warud,
Distt. Amravati.

.... NON-APPLICANTS

Shri R. D. Wakode, Advocate for the applicant.

Shri S. P. Deshpande, A.P.P. for the non-applicant No.1/State.

**CORAM : Z. A. HAQ AND
AMIT B. BORKAR, JJ.**

DATE : 16.02.2021.

ORAL JUDGMENT : [PER: AMIT B. BORKAR, J.]

1. Heard.

2. This is an application under Section 482 of the Code of Criminal Procedure. The applicant who is mother-in-law of non-

applicant No.2 has challenged the charge-sheet No.197/2014 filed with the Judicial Magistrate, First Class, Court No.6, Amravati for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.

3. The First Information Report came to be registered against the applicant and others with the accusations that the husband of the non-applicant No.2 beat the non-applicant No.2 with physical and mental cruelty. Only allegation against the applicant is that she abused non-applicant No.2 on telephone. After registration of the First Information Report, the charge-sheet was filed against the applicant and others.

4. The applicant has therefore, challenged filing of the charge-sheet against the applicant by way of the present application.

5. This Court on 13.10.2015, issued notice to the non-applicants. This Court on 19.01.2016 admitted the present application and continued interim relief not to take coercive steps against the applicant.

6. The non-applicant No.1 has filed reply and has stated that the applicant is permanent resident of Varanasi, State of Uttar

Pradesh. It is further stated that the non-applicant No.2 had made complaint with the non-applicant No.1 on 21.08.2014 that the husband of non-applicant No.2 had assaulted non-applicant No.2. It is therefore, prayed that the Criminal Application may kindly be dismissed.

7. We have carefully scrutinized the contents of the First Information Report. After careful scrutiny of the First Information Report, it appears that there is only one allegation against the applicant that the applicant abused non-applicant No.2 over telephone. There is no other allegations against the applicant in the First Information Report. We have also carefully considered the material in the charge-sheet. Except the allegation in the First Information Report of abusing non-applicant No.2 on telephone, there is no other material placed on record in the charge-sheet by the prosecution.

8. Having considered the nature of the allegations against the applicant, who is mother-in-law and is permanent resident of Varanasi, we are satisfied that the continuation of prosecution against the applicant would amount to abuse of process of law.

9. We therefore, pass the following order.

The impugned Charge-Sheet No.197/2014 dated 20.10.2014 filed in the Court of Judicial Magistrate First Class, Court No.6, Amravati for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code is quashed and set aside to the extent of applicant.

Rule is made absolute in the above terms.

JUDGE

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