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

CRIMINAL APPLICATION (APL) NO.614 OF 2021

1. Salim Shah Noor Shah,
Aged about 60 years, occupation retired.

2. Meraj Bano Salm Shah,
Aged 55 years, occupation household.

3. Naushin Shah Salim Shah,
Age 23 years, occupation legal practitioner.

Applicant Nos.1 to 3 r/o Gulshan Nagar,
Pandharkawda Road, Yavatmal.

4. Yasmin Parveen Karim Shah,
Age 31 years, occupation household,
R/o Ner Parsopant, Yavatmal. **Applicants.**

:: VERSUS ::

1. The State of Maharashtra,
PSO PS Nagpuri Gate, Amravati.

2. Sadaf Anjum Sajid Raza Shah,
R/o c/o Yunus Ali Habib Ali,
Gulista Nagar No.2, near Jamil Colony,
Amravati. **Non-applicants.**

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Shri M.N.Ali, Counsel for Applicants.
Shri S.S.Shingane, Counsel for Non-applicant No.2.
Shri S.S.Doifode, Additional Public Prosecutor for Non-applicant
No.1/State.

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CORAM : **V.M.DESHPANDE & AMIT B.BORKAR, JJ.**
DATE : **OCTOBER 05, 2021**

ORAL JUDGMENT (Per : Amit B.Borkar, J.)

1. Heard learned counsel Shri M.N.Ali for applicants, learned counsel Shri S.S.Shingane for non-applicant No.2, and learned Additional Public Prosecutor Shri S.S.Doifode for non-applicant No.1/State. **Rule.** Rule is made returnable forthwith. Heard finally by consent of learned counsel for parties.

2. By this application under Section 482 of the Criminal Procedure Code, applicants, who are in-laws of non-applicant No.2, have challenged First Information Report vide Crime No.264/2021 registered with Nagpuri Gate Police Station, Amravati for offences punishable under Sections 498A, 504, and 506 read with Section 34 of the Indian Penal Code.

3. Non-applicant No.2 lodged first information report against applicants and her husband/accused No.1. It is stated in the first information report that her marriage was performed on 28.11.2019. After her marriage, though for some time her care was taken, applicants and her husband started harassing her

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physically and mentally. It is alleged that on 28.3.2000, applicants assaulted non-applicant No.2 and non-applicant No.2 was required to be admitted in hospital. Therefore, first information report was lodged. Applicants have, therefore, prayed for quashing of the first information report.

4. On 7.7.2021, this Court issued Notices to non-applicants. Non-applicant No.1/State filed its reply stating that after registration of the first information report, investigating agency recorded statement of non-applicant No.2 and her relatives which corroborates the case of the prosecution.

5. Non-applicant No.2 has not filed reply.

6. We have carefully considered allegations made against applicants in the first information report. Though there are vague allegations regarding assault on non-applicant No.2, the same is neither in the reply of investigating agency nor there is any material produced by non-applicant No.2 to show that non-applicant No.2 was assaulted as alleged in the first information report.

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7. In absence of the said material, it is not possible to attribute any role to applicants in relation to the alleged assault.

8. On careful consideration of the first information report along with material produced, we are satisfied that allegations against applicants, who are in-laws of non-applicant No.2, are vague in nature.

9. The Honourable Apex Court in the case of K.Subba Rao and others vs. State of Telangana, reported at (2018)14 SCC 452 has held that in-laws of wife should not be roped in on the basis of vague allegations.

10. On considering the first information report along with reply by non-applicant No.1/State, we are satisfied that continuation of the prosecution case would amount to abuse of process of the Court. We, therefore, pass following order:

ORDER

(1) First Information Report vide Crime No.264/2021 registered with Nagpuri Gate Police Station, Amravati for offences punishable

Judgment

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under Sections 498A, 504, and 506 read with Section 34 of the Indian Penal Code is hereby quashed and set aside as against applicants only.

Rule is made absolute in aforesaid terms.

JUDGE

JUDGE

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