

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

CRIMINAL APPLICATION (APL) NO.797/2021

Jafarkhan s/o Hafizkhan Pathan and ors

..VS..

The State of Mah., thr. the PSO Ram Nagar Police Station, Tahsil and
District Gondia and anr

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri S.S.Bhalerao, Counsel for Applicants.

Shri T.A.Mirza, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE &
AMIT B.BORKAR, JJ.

DATED : AUGUST 17, 2021.

1. Heard learned counsel Shri S.S.Bhalerao for applicants and learned Additional Public Prosecutor Shri T.A.Mirza for the State.

2. This is an application filed under Section 482 of the Code of Criminal Procedure for quashing of First Information Report No.101/2021 registered with Ram Nagar Police Station, Gondia for offence punishable under Section 498(A) read with Section 34 of the Indian Penal Code.

3. According to submissions of learned counsel for applicants, allegations made in the First Information Report are vague in nature and even if they are taken on their face value, no offence is committed. Besides this, no other submission was advanced by learned counsel for applicants.

4. We have gone through the First Information

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Report. The said First Information Report is lodged by non-applicant No.2 on 29.3.2021. In the report, it is stated that the first informant's marriage with applicant No.1 was performed on 23.12.2018. It was applicant No.1's second marriage. His first marriage was culminated into talak and as per the First Information Report applicants kept entire articles of first wife of applicant No.1 with them and they did not return to his first wife. The First Information Report further states that all household articles, which were presented to the first informant, were taken into custody by applicants and they are not allowing to use the same. Not only that, they are willfully destructing the same. It is stated in the First Information Report that after twenty days of marriage, as per custom, the first informant went to her parental house and after her return, her mother-in-law, who is applicant No.3 specially demanded Rs.5.00 lacs from the first informant. It is also alleged in the First Information Report that since wish of applicants could not be satisfied by the first informant and her parents, all applicants used to assault on her physically. It is also alleged that applicant No.4, who is brother-in-law, used to misbehave with the first informant. Not only that, when she fell ill, no proper care was taken of her and he drove her away from her matrimonial house to her parental house. It is also alleged in the First Information Report that mental torture is also practiced upon the first informant by making allegation that she is having illicit relation with other persons.

5. The aforesaid allegations made in the First Information Report, in our view, clearly constitute offence punishable under Section 498(A) of the Indian Penal Code.

6. Further, presently, investigation is also not over. It is always open for Investigating Officer to bring further material on record at the time of filing of chargesheet.

7. Since submissions made by learned counsel for the applicant, as noted in preceding paragraph of this order, are devoid of any substance, the criminal application is rejected and disposed of accordingly.

JUDGE

JUDGE

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