

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

CRIMINAL APPLICATION (APL) NO. 601/2018

- 1] Pushpa W/o Panjabrao Ghanbahaddur,
Aged about 62 years, Occ. Household,
- 2] Sonal W/o Sugatanand Ghanbahaddur,
Aged about 26 years, Occ. Household

Both R/o. Gaglani Nagar, Frezarpura,
Amravati, Tq. & Dist. Amravati

.... **APPLICANT(S)**

// VERSUS //

- 1] State of Maharashtra,
Through Police Station Officer, Police Station,
Frezarpura, Amravati, Tq. & Dist. Amravati
- 2] Ranjana W/o Jaiprakash Ghanbahaddur,
Aged about 30 years, Occ. Household,
R/o. At Sukali, Post – Lotwada,
Tq. Daryapur, Dist. Amravati

.... **NON-APPLICANT(S)**

Ms. Aastha Sharma, Adv h/f Shri PR. Agrawal, Adv for the applicant(s)
Shri S.D. Sirpurkar, APP for the non-applicant no. 1
Shri A.K. Madne, Advocate for the non-applicant no. 2

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
DATED : 13/01/2021

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

- 1] Heard.

2] **RULE.** Rule made returnable forthwith.

3] The applicants have invoked the power of this Court under Section 482 of the Code of Criminal Procedure to challenge F.I.R. No. 582/2018 dated 25/05/2018 registered with the non-applicant no. 1 – Police Station for the offences punishable under Sections 377, 354-A, 354-B, 417, 294, 323, 504, 506, 406 and 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

4] The applicant no. 1 is the mother-in-law of the non-applicant no. 2 and the applicant no. 2 is the sister-in-law of the non-applicant no. 2. The first information report came to be registered with the accusations that the husband of the non-applicant no. 2 alongwith the applicants and other family members physically and mentally harassed the non-applicant no. 2 from time to time. Insofar as the present applicants are concerned, the allegations are made against the present applicants that they alongwith other family members have taken the gold jewellery of the non-applicant no. 2 and have kept the said jewellery with them.

5] The applicants have therefore approached this Court by way of the present application. This Court on 06/07/2018 issued notice to the non-

applicants and in the meantime by way of ad-interim relief, it was directed that no coercive steps shall be taken against the applicants.

6] The non-applicant no. 2 has filed her reply and contested the application. In the reply, it is stated that the applicants were playing active role to harass the non-applicant no. 2. It is further alleged that the applicant no. 1, being the mother-in-law, has not performed her duty and not provided bedroom to the non-applicant no. 2. It is also stated in the reply that the applicant no. 2 is residing at Akot adjoining to the non-applicant no. 2 and used to visit house of the non-applicant no. 2 on Sundays.

7] The non-applicant no. 1 – Prosecution has filed its reply and it is stated that in pursuance of the first information report, the investigation is set in motion. It is stated in para no. 4 of the reply that when the Investigating Officer tried to record the statement of the non-applicant no. 2, the non-applicant no. 2 refused to record her statement and abused the Investigating Officer alongwith her sister and tried to assault the Investigating Officer. Therefore, the Investigating Officer has lodged complaint against the non-applicant no. 2 in Police Station Sadar (copy of which is placed on record at Annexure R-I).

8] We have carefully considered the contents of the first information report lodged by the non-applicant no. 2. The Hon'ble Supreme Court has consistently held that the tendency of involving in-laws in proceedings related to matrimonial dispute has been on rise and therefore, Courts are expected to exercise caution while considering the applications under Section 482 of the Code of Criminal Procedure. We find that the allegations in the first information report *qua* the present applicants are vague in nature. There are no specific dates and instances mentioned by the non-applicant no. 2 in her report. Apart from the first information report, in the affidavit-in-reply also, the non-applicant no. 2 has not specified and given the details about the role played by the applicants. In absence of specific allegations and details in the first information report, continuation of the prosecution against the present applicants would amount to abuse of process of Court. We are therefore satisfied that the present case is a fit case where power under Section 482 of the Code of Criminal Procedure can be exercised to meet the ends of justice. The present case is squarely covered by clause (1) of paragraph No.102 given in the judgment in the case of *State of Haryana Vs. Bhajan Lal*, **reported in 1992 Supp(1) SCC 335**.

9] Hence, the following order is passed :-

a) F.I.R. No. 582/2018 dated 25/05/2018 registered with the non-applicant no. 1 – Police Station for the offences punishable under Sections 377, 354-A, 354-B, 417, 294, 323, 504, 506, 406 and 498-A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act is quashed.

The criminal application is **allowed** in the above terms.

JUDGE

JUDGE