

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

**CRIMINAL APPLICATION (APL) NO. 1098 OF 2019**

1. Sheikh Bashir S/o. Sheikh Baban,  
R/o. Opp. Bus Stand, Near Masjid,  
Wani, Tah. Wani, Dist. Yavatmal.
2. Shagufta Naz W/o. Sheikh Bashir,  
R/o. Opp. Bus Stand, Near Masjid,  
Wani, Tah. Wani, Dist. Yavatmal.
3. Sheikh Jamir S/o. Sheikh Sattar,  
R/o. D.R.M. 35 W.C.L. Colony,  
Shakti Nagar, Durgapur,  
Dist. Chandrapur.

.....**APPLICANTS**

... **VERSUS** ...

1. State of Maharashtra,  
Through PSO, Chamorshi,  
Dist. Gadchiroli.
2. Nazneen Jakir Sheikh,  
R/o. C/o. Anand Hemke,  
Behind Bus Stand,  
Tah. Chamorshi, Dist. Gadchiroli.

.....**NON-APPLICANTS**

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Shri A. M. Jaltare, Advocate for the Applicants.

Shri V. A. Thakare, Additional Public Prosecutor for the Non-applicant No.1.

Shri S. A. Chaudhari, Advocate for the Non-applicant No.2.  
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**CORAM : V. M. DESHPANDE AND  
AMIT B. BORKAR, JJ.**

**DATE : 24.08.2021.**

**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 applicants are challenging registration of the First Information Report No.178/2019 registered with the non-applicant No.1 – Police Station for the offences punishable under Section 498-A and Section 34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act, 1961.

4. The First Information Report came to be registered against the applicants and the husband of the non-applicant No.2 with the allegations that the husband of the non-applicant No.2 along with the present applicants who are in-laws of the non-applicant No.2 had physically and mentally harassed the non-applicant No.2 for non-payment of dowry amount.

5. The applicants have therefore filed present application challenging registration of the First Information Report. This Court on 11.11.2019 issued notice to the non-applicants. The non-applicant No.1 in pursuance of the notice has filed reply stating that there is sufficient material available against the present applicants.

6. We have heard the learned Advocates appearing for the parties. With the assistance of the learned Advocates appearing for the parties, we have carefully considered the copy of the First Information Report and the reply filed by the non-applicant No.1.

On careful perusal of the record, it appears that the allegations against the applicants are vague in nature. The applicant No.1 is the husband of sister-in-law of the non-applicant No.2, the applicant No.2 is the sister-in-law of the non-applicant No.2 and the applicant No.3 is the brother-in-law of the non-applicant No.2. From the reading of the First Information Report, it appears that there is no specific role attributed to the applicants giving details of alleged physical and mental harassment caused by them to the non-applicant No.2 and the allegations against the applicants are vague and omnibus.

7. The Hon'ble Supreme Court in the case of ***K. Subba Rao Vs. State of Telangana*** reported in ***(2008) 14 SCC 452*** has observed that relatives of husband should not be roped in on the basis of vague allegations unless there are specific instances of their involvement in the crime are made out.

8. We are therefore of the opinion that the continuation of the present proceedings against the applicants would amount to abuse of process of Court.

9. We therefore, pass following order :

The First Information Report No.178/2019 registered with the non-applicant No.1 – Police Station dated 13.07.2019

for the offences punishable under Section 498-A and Section 34 of the Indian Penal Code read with Section 4 of the Dowry Prohibition Act, 1961, is quashed and set aside against the applicants only.

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

**JUDGE**

**JUDGE**

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