



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

CRIMINAL APPLICATION (APL) NO.700/2022

1. Saliya Ali alias Saliyabi W/o Sabir Ali,  
aged about 34 Yrs., Occ. Housewife,  
R/o Tikari Road Near Handra Bhawan  
Krishnapura Ward, Betul, Madhya  
Pradesh 460 001.

2. Nusrat Parveen W/o Shaikh Rahim,  
aged about 38 Yrs., Occ. Housewife,  
R/o Plot No.393, New Madge Nagar  
Besa Power House Nagpur, Tq. &  
Distt. Nagpur.

... Applicants

- Versus -

1. State of Maharashtra,  
through Police Station Officer,  
P.S. Anjangaon, Distt. Amravati.

2. Shahnaaz Bano W/o Javed Kha,  
aged about 28 Yrs., Occ. Housewife,  
R/o C/o Hamid Kha Motikha,  
Azizpura, Surji, Anjangaon,  
Tq. Anjangaon, Distt. Amravati.

... Non-applicants

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Mr. A.B. Mirza, Counsel for the Applicants.  
Mr. Amit M. Chutke, A.P.P. for Non-applicant No.1.  
Mr. N.P. Singhania, Counsel for Non-applicant No.2.  
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CORAM: VINAY JOSHI AND MRS. VRUSHALI V. JOSHI, JJ.  
DATED : 10.4.2024.

ORAL JUDGMENT (Per Vinay Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of learned counsel for the parties.

2. This is an application seeking to quash chargesheet (R.C.C. No.13/2022) arising out of Crime No.0592/2021 registered by non-applicant No.1 for the offence punishable under Section 498-A read with Section 34 of Indian Penal Code.

3. The informant lady has lodged report on 13.8.2021 alleging the matrimonial harassment. The report was lodged by informant against her husband, parents-in-law and sisters-in-law. Applicants who are sisters-in-law have approached this Court for quashing of the entire prosecution.

4. The informant lady got married on 8.1.2017 with Javed Khan and started to reside at Anjangaon Surji. She was staying along with her husband and parents-in-law. She alleges

that since beginning she was subjected to harassment on account of monetary demand. It is stated that time and again both applicants who are sisters-in-law used to demand money and were physically as well as mentally harassing her.

5. The applicants' learned Counsel would submit that both applicants got married long back and staying separately at their matrimonial houses. Applicant No.1-Saliya (accused No.5) was staying with her husband at Betul, Madhya Pradesh whilst applicant No.2-Nusrat (accused No.6) was staying at Nagpur since beginning. It is not denied that both are married sisters of husband of informant and staying separately. In said context we have gone through the entire material collected during the course of investigation. Perusal of entire police paper indicates that there are general and omnibus allegations against both married sister in laws.

6. In case of Kahkashan Kausar Alias Sonam and others V/s. State of Bihar and others reported in (2022) 6 SCC 599 the Hon'ble Supreme Court has specifically observed that tendency of involving the maximum number of members of husband's family are at rise. On the basis of vague and omnibus allegations they shall not be put to harassment. It is also pointed out that on 6.1.2021 the informant lady had lodged a report which is silent about role of present applicants. Reading of entire paper indicates that there are no specific allegations against both sisters in law. The applicants' learned Counsel has produced a copy of chargesheet of Crime No.557/2021 to show that since the husband has filed report of assault against the brothers of informant this is a case of false implication.

7. Taking overall view of the matter in absence of specific allegations continuation of prosecution against both married sisters in law would amount to abuse of the process of Court. Facing criminal prosecution has serious consequences. In

the circumstances, we are inclined to exercise our inherent jurisdiction in favour of the applicants.

8. In view of above, application is allowed.

We hereby quash and set aside chargesheet (R.C.C. No.13/2022) arising out of Crime No.0592/2021 registered by non-applicant No.1 for the offence punishable under Section 498-A read with Section 34 of Indian Penal Code.

(MRS.VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)