

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CRIMINAL MISC. APPLICATION (FOR QUASHING & SET ASIDE
FIR/ORDER) NO.5432 of 2025

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RIZWANABEGUM KHAJA HABEEB UDDIN SHAIKH & ANR.
 Versus
 STATE OF GUJARAT & ANR.

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Appearance :
 KURVEN K DESAI for the Applicants.
 MR RONAK RAVAL, APP for the Respondent No.1.

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CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 25/09/2025
 ORAL ORDER

Learned advocate Mr. Kurven Desai points out from the FIR that the present applicants are the in-laws who are falsely arraigned as accused only by making general allegations against them.

2. However, when the Court found that the incident has taken place in Telangana, learned APP Mr. Ronak Raval has pointed out from the decision of the Hon'ble Supreme Court in the case of **Rupali Devi v. State of Uttar Pradesh and others, (2019) 5 SCC 384**, wherein in paragraph 16, following observation is made :-

“16. We, therefore, hold that the courts at the place where the wife takes shelter after leaving or driven away from the matrimonial home on account of acts of cruelty committed by the husband or his relatives, would, dependent on

the factual situation, also have jurisdiction to entertain a complaint alleging commission of offences under Section 498A of the Indian Penal Code.”

3. In view of the fact that offence in question has taken place in Telangana and in view of the above observations of the Hon’ble Supreme Court, as this Court also would have the jurisdiction in respect of offence registered by wife, in a Police Station within jurisdiction wherein she is taking her shelter and considering the fact that the present applicants are the in-laws and *prima facie*, it appears that there are allegations of general nature against them, **issue notice returnable on 6.11.2025**. Learned Additional Public Prosecutor waives service of notice on behalf of respondent – State. Direct service to respondent No.2 through concerned Police Station is permitted.

Till the next date of hearing, no coercive steps shall be taken against the present applicants. However, the Investigating Officer may proceed further with the investigation, however shall not file charge-sheet against the applicant without prior permission of this Court.

(NIRZAR S. DESAI,J)

SAVARIYA