

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR DOMESTIC VIOLENCE) NO.
24626 of 2024**

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SANJAYBHAI JASHWANTBHAI DALAL & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR JAY N SHAH(10668) for the Applicant(s) No. 1,2,3,4

MR HARDIK MEHTA, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE SANDEEP N. BHATT**Date : 02/01/2025****ORAL ORDER**

Learned advocate Ms.Kruti Shah for learned advocate Mr.Jay N Shah for the applicants has submitted that the present application is filed by the father-in-law, mother-in-law, brother-in-law and sister-in-law of the original complainant; that the husband of the complainant who happens to be son of the applicant nos.1 and 2 herein has expired during the Covid-19 pandemic and that the amount which is received by way of insurance claim and other benefits due to the death of the husband are already received by the complainant-wife, though the parents i.e. the applicant nos.1 and 2 are also entitled for the same; that several complaints are also made by the complainant before the police stations with a view to harass the present applicants;

that such complaints are either filed or disposed of by the police authorities after considering the relevant aspects. She, therefore, submitted that the continuation of the proceedings pursuant to the present complaint which is filed under the provisions of Domestic Violence Act, whereby the learned trial Court has issued notice will amount to harassment to the present applicants and also would amount to abuse of process of law.

2. Learned APP has submitted that considering the fact that the husband has expired and the widow-the complainant is facing some harassment from the applicants as per the complaint, no interference is called for and the learned trial Court may be allowed to proceed in accordance with law.

3. Considering the rival submissions and considering the fact that the applicants are in-laws of the complainant and after death of the son of the applicant nos.1 and 2, the complainant has filed several applications before the police authorities and such applications are filed after following necessary procedure and no further action is taken pursuant to the said applications, and that from the record, it transpires that some monetary benefits like the insurance claim and the dues of the services rendered by the deceased

husband are also received by the complainant; that prima facie, it transpires that the complainant is also earning by doing business of beauty parlour, the matter requires consideration at this stage as prima facie, it transpires that the complaint in question is filed with a view to harass the present applicants.

4. Therefore, Notice and Notice as to interim relief returnable on 6.2.2025. Learned APP waives service of notice for respondent-state. Till then, it is open for the applicants to pray for exemption before the learned trial Court and also for adjournment.

SRILATHA

(SANDEEP N. BHATT,J)