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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 2117 OF 2022**

1. Mrs. Neelima Mahendra Chavan  
Age : 38 years, Occ : Medical Practitioner,  
R/at : Somatane, Tal. Maval,  
Talegaon-Dabhade,  
Pimpri-Chinchwad, Pune.
2. Mr. Bhushan Ramesh Sonawane  
Age : 32 years, Occ : Medical Practitioner,  
R/at : Kirti Nagar, Dharmveer Sambhaji  
Bank, Navi Sanghavi,  
Talegaon-Dabhade,  
Pimpri-Chinchwad, Pune
3. Mrs. Madhuri Ravikumar Bhashkar  
Age : 36 years, Occ : Medical Practitioner,  
R/at : Daffodils Society, Somatane  
Tal. Maval, Dist : Pune
4. Mr. Ravikumar Bhashkar  
Age : 38 years, Occ : Medical Practitioner,  
R/at : Daffodils Society, Somatane  
Tal. Maval, Dist. Pune

... Petitioners  
(Original Accused Nos. 1 to 4)

V/s.

1. The State of Maharashtra  
(Police Inspector, Talegaon-Dabhade  
Police Station, Pune)
2. Mr. Mahindra Bhivsan Chavan  
Age : 39 years, Occ : Doctor,  
R/at: Flat No. 302, C Building,  
Daefoddils Society, Shivgaon Road,  
Somatane, Tal. Maval, Dist. Pune.

... Respondents

Mr. Vikas Shivarkar for the Petitioners.  
Mrs. Megha Bajoria, A.P.P. for Respondent -State.  
Mrs. Pranali Kakade i/by Hulyalkar for Respondent No.2.  
Ms. Uma Gawade, API, Talegaon Dabhade is present.

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**CORAM : RANJITSINHA RAJA BHONSALE, J.**

**RESERVED ON : 13<sup>th</sup> JULY 2026**

**PRONOUNCED ON : 22<sup>nd</sup> SEPTEMBER 2026**

**JUDGMENT :-**

- 1) By the present Petition, under Article 226 of the Constitution of India and Section 482 of Code of Criminal Procedure, 1973 (for short, “CrPC”) (now Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023), the Petitioners/Original Accused Nos.1 to 4 seek to quash and set aside the C.R. No. 360 of 2020 dated 28<sup>th</sup> May 2020 registered with Talegaon Dabhade Police Station, Pune, under sections 143, 147, 323, 325, 504, 506 read with 34 of the Indian Penal Code (for short, “IPC”). The Petitioners in the alternative have prayed that, section 143, 147 and section 325 of the IPC be deleted from the chargesheet filed in respect of C.R. No. 360 of 2020. The complaint has been filed by Respondent No.2, a Medical Practitioner. Respondent No.2 is the husband of Petitioner No.1 and brother-in-law of Petitioner Nos. 2 and 3. Petitioner No.4 is the co-brother of Respondent No.2.
- 2) Heard Mr. Vikas Shivarkar for the Petitioners, Mrs. Megha Bajoria, A.P.P. for Respondent-State. Mrs. Pranali Kakade for Respondent No.2.
- 3) The case of the prosecution as alleged is as follows :-

3.1) Respondent No.2 along with his father Mr. Bhivsan Mangalu Chavan and Mother Mrs. Vatsalabai, are residing in a joint family. That, Respondent No.2 has a Pediatric Hospital by the name of Sai Jeevan Hospital at Shirgaon Road, Somatane, Maval, Dist. Pune. Due to certain matrimonial differences and disputes, Respondent No.2 and Petitioner No.1 (his wife) are residing separately since November 2019. That, the children i.e., daughter Ahana and son Vivan are residing with Petitioner No.1. That, Respondent No.2 is staying in a rented premises. That, Sai Jeevan Hospital is in the joint names of Respondent No.2 and Petitioner No.1.

3.2) On 27<sup>th</sup> May 2020, at around 3.30 p.m., in the afternoon, Respondent No.2 and his driver Vijay Sonawane and Pharmacist Ravi Kuthe were present in the hospital. The Petitioner No.1 called Respondent No.2 outside the hospital, where Petitioner Nos. 2 to 4 were present there along with one unknown person. They had arrived at the hospital in a Mercedes Car No. MH-14-7929. That, Respondent No.2 was assaulted by Petitioners and by the unknown person. Petitioner No.3 also assaulted Respondent No.2. Respondent No.2 was beaten by kick and fist blows. The said assault was stopped by Pravin Murhe, Rakesh Murhe and watchmen Mahadev Narayan Mitkar. The Petitioners abused Ravi Kuthe and Vijay Sonavane and threatened to kill Respondent No.2. After the said assault and quarrel, the Petitioners left the place. That, Respondent No.2 took treatment at his hospital and then filed the complaint on 28<sup>th</sup> May 2020. The supplementary statement of Respondent

No.2 was recorded on the same day i.e. 28<sup>th</sup> May 2020. On this basis, the FIR came to be filed.

4) Mr. Vikas Shivarkar, learned Advocate appearing for the Petitioners submits that :-

4.1) The Petitioners had not committed any offence and they have been falsely implicated. Respondent No.2 and Petitioner No.1 have certain matrimonial disputes and differences. The present FIR is an off shoot of the said matrimonial dispute. The father of Petitioner No.1 Dr. Ramesh Kisanrao Sonawane, a Senior Gynecologist, had founded and built the hospital and gifted the same to Petitioner No.1 and Respondent No.2. That, there is a dispute between the parties in respect of the control of the said hospital.

4.2) Even if the case of the prosecution taken as it is, the fact remains that no 5<sup>th</sup> person is involved in the present case. In the entire investigation, no attempt has been made by the Investigating Authority to trace out the 5<sup>th</sup> unknown person. Considering the background of the disputes and issues between Respondent No.2 and Petitioner No.1, it is clear that Sections 143 and 147 of the IPC are not applicable to the present case.

4.3) The Respondent No.2, in the past, had a small road accident in which the bone of his nose was already fractured. It is possible that, the previous fracture of the nose of Respondent No.2 had opened in the alleged scuffle. Therefore, no offence under Section 325 of the IPC can be made out.

4.4) Considering the overall facts of the case, statement of Respondent

No. 2 and the fact that, the 5<sup>th</sup> unknown person is not traceable, sections 143, 147 and 325 of the IPC cannot be invoked. If the sections are deleted from the present chargesheet, only sections 323, 504 and 506 of the IPC remain which would render the present case as a non-cognizable complaint.

5) Mrs. Megha Bajoria, learned APP appearing for the Respondent-State submits that, a prima facie case has been made out against the Petitioners. There is a corroboration of the facts and incident in the form of an injury certificate and witness statements. The offences as alleged in the FIR have been clearly made out against the Petitioners.

6) Mrs. Pranali Kakade, learned Advocate appearing for the Respondent No.2. submits that :-

6.1) A clear prima facie case for the offence as alleged has been made out. There were 5 persons in the car. There are statements of eye witnesses which have been recorded and form part of the chargesheet. There is an injury certificate which clearly shows that, Respondent No.2 was assaulted and that, he suffered a grievous injury inasmuch as the nose of Respondent No.2 was fractured. That, the chargesheet has been filed. There is enough material so as to indicate that, the incident took place and to implicate the Petitioners.

7) Perused the entire record. The offence is in respect of an incident which took place outside the hospital in the presence of Mr. Vijay Sonawane and Mr. Ravi Kuthe. Respondent No.2 has made specific allegations of assault against the Petitioners. Perusal of the statements of the witnesses prima facie

corroborates the version of Respondent No.2. Perusal of the Medical Certificate indicates that, Respondent No.2 has received simple as well as grievous injuries. The Respondent No.2 has suffered a fracture.

8) Prima facie there is enough material on record to make out the offence against the Petitioners. In the facts of the present case, it cannot be said that no case is made out against the Petitioners. In fact, I find that there is material on record in the form of statements of witnesses which prima facie implicate Petitioners in the said offence. In my considered view, what the Petitioners have raised are all their defences which have to be tried and tested in the trial. The Court while exercising the jurisdiction and power under Section 482 of the CrPC cannot consider the defences or minutely evaluate the evidence.

9) It is settled law that in proceedings under Section 482 of the CrPC, this Court is not required to conduct a mini trial or get into the nitty-gritties of the evidence. What the Petitioners raised are all their defences. This Court while exercising jurisdiction under Section 482 of the CrPC cannot enter into the arena of evidence or minutely scrutinize the evidence on record. A useful reference may be made to the Judgment of the Hon'ble Supreme Court in the case of *Central Bureau of Investigation vs. Aryan Singh* reported in (2023) 18 SCC 399 wherein the Hon'ble Supreme Court has categorically held that while considering the Application under Section 482 of the CrPC, the Court cannot conduct a mini trial.

10) The Hon'ble Supreme Court in the case *Manik B. V/s. Kadapala Sreyes Reddy & Anr.*, reported in *2023 SCC OnLine 2540* has held that, the Court would exercise its power to quash a proceeding under Section 482 of the CrPC only if it finds that, taking the case at its face value, no case is at all made out. Considering the scope and ambit of Section 482 of the CrPC and the facts of the present case, it would not be permissible for this Court to go into the correctness or otherwise of the material placed by the prosecution in a chargesheet. The submissions advanced on behalf of the Petitioners across the bar are all, in fact, the defences of the Petitioners.

11) In my considered opinion, the facts of the case do not make out a cause to exercise the inherent jurisdiction of the Court under Section 482 of the CrPC. In my opinion, the allegations in the FIR make out a prima facie case against the Petitioners. The Petitioners have the liberty to raise their defences at the trial during the cross examination or by examining their own defence witnesses.

12) In view of the aforesaid facts and circumstances and after considering the law as enunciated by the Hon'ble Supreme Court, I am of the opinion that, the Petitioners have not made out any case for exercising the powers under Section 482 of the CrPC.

13) In view thereof, the Petition is dismissed.

**(RANJITSINHA RAJA BHONSALE, J.)**