

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 6157 OF 2014

SANTIP S/O KACHARUBA KASHTA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Kale Mahesh P.
APP for Respondent/State : Mr. S.G. Karlekar
Advocate for Respondent no.2 : Mr. Deshmukh Arvind S.

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.

Dated: March 10, 2015

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PER COURT :-

Heard.

2. The learned counsel appearing for the applicants submits that, if the allegations in the First Information Report are taken at its face value and considered in its entirety, no offence is disclosed. It is submitted that, so far allegations in respect of offence punishable under section 498A of I.P. Code is concerned, by no stretch of imagination, the ingredients of said section are attributed. It is further submitted that, if the contents of said written chit are read in its entirety, there are no allegations made against the applicant no.1 and even other applicants. Therefore, according to the learned counsel appearing for the applicants, the First Information Report deserves to be quashed.

3. The learned counsel appearing for the original complainant submits that, the daughter of the complainant is missing from the house of the applicants and they are answerable for the same. This Court may not undertake exercise of finding evidentiary value of the material collected by the prosecution while exercising the jurisdiction under Section 482 of the Cr.P.C. It is a matter for trial. Therefore, he submits that, the application may be dismissed.

4. We have given due consideration to the submissions advanced by the learned counsels appeared for the parties. Perused the allegations made in the First Information Report and also the contents of the written chit. Prima facie, the First Information Report needs investigation. It is not possible for this Court to reach to a definite conclusion on the basis of the contents of the written chit, since the exercise of appreciation of evidence cannot be undertaken while exercising jurisdiction under Section 482 of the Cr.P.C. Therefore, at this stage, no case is made out. Hence the application is rejected.

(**A.M. BADAR, J.**)

(**S.S. SHINDE, J.**)

sga/-

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