

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

CRIMINAL APPLICATION NO. 194 OF 2014

Rajesh C. Sewlani & Ors.

..Petitioners

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. A.A.Manwani for the Applicant.

Ms. Vidhya Iyengar for the Respondent No.3.

Mrs.M.M.Deshmukh, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JUNE 17, 2015.**

P.C.

1. This application is filed for following reliefs:

“a. This Honourable Court may be pleased to quash and set aside the FIR & all other proceedings in C.R.No.177 of 2013 registered by the Turbhe Police Station u/sec. 498A, 406, 323, 504 r/w. 34 of IPC against the applicants.

b. This Honourable Court may be further pleased to quash and set aside the Notice No. 9285 of 2013 dated 26.10.2013 issued by the Respondent No.2, issuing directions to the Axis

bank to freeze the operations in the Applicant's locker.”

2. So far as the relief claimed in prayer clause (a) for quashing of proceedings of C.R.No.177 of 2013 registered at Turbhe Police Station is concerned, we have gone through the English translation of the copy of the FIR at Exhibit A-1. Having perused the same, we find that there are allegations of cruelty as well as dowry demand against the applicant. Learned counsel for the applicant contends that these allegations are vague and false. It is settled principle of law that the veracity of allegations cannot be gone into at the stage of quashing and the Court has to take these allegations on its face value. A reading of the FIR prima facie discloses commission of cognizable offence and therefore relief claimed in prayer clause (a) cannot be granted.

3. So far as the relief claimed in prayer clause (b) is concerned, the petitioner was granted liberty to approach the learned Magistrate for seeking release of jewellery vide application under Section 554 Cr.P.C. Accordingly applicant filed such application before the learned Magistrate and the same is pending before the Magistrate.

Suffice it to direct the Magistrate to dispose of the same expeditiously.

4. Subject to the above, we find no merit in the petition and the same is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)