

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 607 OF 2014.

Mr.Tushar Vasantao Nikhade and ors. ..vs.. State of Mah. and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs.Chandekar, Adv. for the applicants.
Mrs.N.Mehta,APP for the respondent no.1.
Mr.Joharapurkar, Adv. for respondent no.2.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.
DATED : JUNE 10, 2015.**

Heard Mrs.Chandekar, learned counsel for the applicants,
Mrs.Mehta, learned Additional Public prosecutor for respondent no.1
and Mr.Joharapurkar, learned counsel for respondent no.2.

Marriage of applicant no.1 – husband with respondent no.2
- wife has been performed on 5th of May, 2013 and parties cohabited till
March, 2014 at Nagpur. Thereafter, respondent no.2 – wife is residing
with her parents at Hinganghat.

Respondent no.2 – wife filed a complaint with Police
Station Hudkeshwar at Nagpur on 26th of June, 2014 pointing out her
harassment. Police authorities as per procedure has forwarded that
complaint to the Women Cell. Applicant no.1 – husband, applicant nos.
2 and 3 – parents of applicant no.1 and applicant no.4 who happens to
be maternal uncle of applicant no.1 have obtained anticipatory bail in
that matter. According to applicant no.1 – husband, after matter came
to be referred to Women Cell, he appeared before that Cell, however,
respondent no.2 did not appear.

In this background, respondent no.2 – wife filed another
report on 28th of July, 2014 with Police station Hinganghat in Wardha
District. On that strength, FIR No.338 of 2014 under Sections 498-A,

504, 506 read with Section 34 of the Indian Penal Code has been registered against the applicants.

According to Advocate Mrs.Chandekar, it is nothing but abuse of process of law and the parties have not cohabited after March, 2014 and on the basis of previous cohabitation a new complaint has been lodged at Hinganghat Police Station. Learned counsel submits that no new incident or episode after March, 2014 has been alleged in the report lodged at Hinganghat Police Station.

Learned Additional Public Prosecutor relies upon reply filed by respondent no.1. She submits that FIR has been filed with competent police station and accordingly its cognizance has been taken.

Facts above show that on the basis of very same fact the grievance has already been made on 26th of June, 2014 and it is being looked into by the Police Station Hudkeshwar and the matter has been referred to Women Cell Authority and after scrutiny of matter by said Cell, the police authorities are bound to proceed further in the matter in accordance with law.

Thus, for very same purpose another complaint and FIR has been filed on 28th of July, 2014.

Proceedings of which cognizance has been taken by Hudkeshwear Police Station and made over to Women Cell Authorities need to be brought to a logical end.

In this situation, with liberty to respondent no.2 – wife to prosecute proceedings of which grievance is made at Hudkeshwar Police Station, Nagpur, we set aside FIR No.338 of 2014 registered at Hinganghat Police station.

Criminal application is thus partly allowed and disposed of.

No costs.

JUDGE

JUDGE

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