

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.323 OF 2016

Shailesh Anant Khaire and others	Petitioners
versus	
The State of Maharashtra and another	Respondents

Mr.Manoj J. Bhatt for Petitioners.
Mrs.S.D.Shinde, APP, for State.

CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.

DATE : 4 July 2016

PC :

1. Heard. The Petitioners seek quashing of the FIR being C.R.No.I-80 of 2015 registered with Kalamboli Police Station, Navi Mumbai and charge sheet dated 9 November 2015 filed in Regular Criminal Case No.714 of 2015 arising out of said FIR.

2. An offence came to be registered at the behest of second Respondent against Petitioners for the offences punishable under Sections 323, 354, 354-D, 427, 504, 506 read with Section 34 of Indian Penal Code. Police conducted investigation and filed charge sheet.

3. Learned counsel for Petitioners submits that false allegations are made by second Respondent, who happens to be a Police Constable. He submitted that in the past, the second Respondent

Police Constable had filed a complaint on 27 January 2015 (Exhibit-B collectively to the petition) against her husband, which came to be withdrawn on the next date. It shows that the second Respondent-complainant is in the habit of lodging false complaints. Petitioner no.4 is the wife of Petitioner no.1, who has been falsely implicated in the case. No overt acts are attributed against Respondent no.4.

4. Learned APP submits that charge sheet has been filed. Police have collected material against Petitioners.

5. We have perused the material placed on record. Charge sheet has been filed and injury certificate issued by medical officer is placed on record. At this stage, it will not be proper to scan the material even for observing that whether Petitioner no.4 was falsely involved or not. The allegations made against the Petitioners/accused persons are such that unless appropriate evidence is led, it will not be proper to ascertain the role attributed to the Petitioners and to verify the prosecution case. The Petitioners are at liberty to raise all such defences and pleas as are advised before the Trial Court. Even the Petitioner is at liberty to file discharge application in the Trial Court on its own merits.

6. Keeping all issues on merits open, the petition is dismissed.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)

MST