

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

CRIMINAL WRIT PETITION NO.4050 OF 2013

Dr. Mukesh Kaveeshwar & Anr. Petitioners

versus

The State of Maharashtra & Anr. ... Respondents

Mr.Pravin D. Patel, Advocate for the Petitioners.

Mrs.P.P. Shinde, APP for the State/Respondent No.1.

Mr.Aman Agrawal, Advocate h/f Rajendra Anbhule, Advocate for
Respondent No.2.

**CORAM : MRS.MRIDULA BHATKAR, J.
DATE : 08th DECEMBER, 2016.**

P.C. :

1. By this writ petition, the petitioners challenge the order dated 16/8/2011 of the issuance of process by the learned Judicial Magistrate First Class, Pune, in Private Criminal Case No.15987/09 and also the order dated 01/10/2013 passed by the learned Sessions Judge in the Revision Application No.664/11, thereby confirming the order of issuance of process. The petitioners are the husband-wife and Doctors by profession & are the accused, against whom, the present respondent No.2 has

lodged complaint on 28/09/2009. The petitioner No.1 and the respondent, original complainant, were classmates, when they were doing MBBS course at Bhopal in the year 1982 to 1987. He met her in 2007 and thereafter he, according to original complaint, had tried to develop the acquaintance and he sent email on 30/08/2008. So also a greeting card on 30/08/2008. According to her, in the email and greeting card, he has written a matter, which amounts to outraged her modesty and thereafter, she informed her husband and then petitioner No.1 and his wife, petitioner No.2, communicated the distorted facts in their circle & to the friends of the complainant about the friendship of petitioner No.1 and the original complainant.

2. There are allegations that in November 2008, a president of one women's organization contacted the complainant and told same distorted fact that the petitioner No.2 and the wife of petitioner No.1 has informed her that she was having affair with the petitioner No.1. As per case of the original complainant these are of false and defamatory statements.

3. The learned counsel for the petitioners submits that the petitioners are innocent. There is no evidence against them. The original complaint in fact had sent a letter encouraging their friendship and therefore he sent one email. However, petitioner No.1 did not send the alleged greeting card. The petitioner No.2 is not concerned with the offence.

4. The learned prosecutor and learned counsel for the respondent/original complainant opposed this writ petition and relied on the complaint and the statement of the husband and also the report of the police.

5. Perused the impugned order passed by the learned Sessions Judge, in revision application. Perused the FIR and the statements annexed herewith. Prima facie there is material against the petitioners u/s 500 and there is some evidence against petitioner No.1 u/s 509 of the IPC. Hence, I am not inclined to interfere with the order of learned Sessions Judge. Accordingly the writ petition is dismissed.

(MRIDULA BHATKAR, J.)