

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

CRIMINAL APPLICATION NO.431 OF 2017

Mr. Divam Singh and anr.	Applicants
versus	
The State of Maharashtra and anr.	Respondents

with

CRIMINAL APPLICATION NO.443 OF 2017

Mr. Bhram Dev Dahiya	Applicant
versus	
The State of Maharashtra and anr.	Respondents

Mr. Abhijeet A. Desai, advocate for the applicants.
Mrs. M. H. Mhatre, APP in criminal application No.431 of 2017.
Mr. S. R. Shinde, APP in criminal application No.443 of 2017.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 29th JUNE, 2017.

P. C. :

Both the applications are arising out of a common FIR. The applicants in the criminal application No.431 of 2017 is the husband and mother-in-law and the applicant in criminal application No.443 of 2017 is the father-in-law of the respondent No.2-original complainant. Both the applications are filed for quashing the FIR bearing CR No.211 of 2015 registered with Kharghar Police Station, at the instance of the respondent No.2 against the applicants for the offence punishable under Section 498-A of the Indian Penal Code, 1860 (for short "the IPC").

2. As far as the applicants in the criminal application No.431 of 2017 viz. husband and the mother-in-law are concerned, the FIR

discloses that the said applicants harassed the respondent No.2/original complainant in order to bring an amount of Rs.50,00,000/- from her parents. Prima facie, an offence under Section 498-A of the IPC is, therefore, made out.

3. So far as the applicant in the criminal application No.443 of 2017 is concerned, we find that the FIR does not disclose allegations under Section 498-A of the IPC. The complainant, however, in the FIR alleged that this applicant refused to return her streedhan. Therefore, in our view, offence under Section 406 of the IPC which is a cognizable offence is made out. Mr. Desai, learned counsel for the applicants, submits that the FIR is not registered under Section 406 of the IPC. However, the FIR is not an encyclopedia of the facts and this section can be added at later stage also.

6. Mr. Desai, learned counsel, lastly relied upon the decision of the Andhra Pradesh High Court in **Mr. Rajaram Venkatesh and ors. versus The State of A.P. and ors. 1993 CRI L.J.707** and especially upon the head-note D. We have gone through the same. This decision has no application in the facts and circumstances of the present case.

6. The petition is without any merits and the same is, accordingly, dismissed.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]