

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 583 OF 2016

Rajeev Satish Kalbag Another. ..Applicants.
Versus
State of Maharashtra & Another. ..Respondents.

Ms. Madhavi Tavanandi i/b H. E. Palwe for the Applicant.
Mrs. M. H. Mhatre, APP for the State.
Ms. Prabha U. Badadale for Respondent No. 2.

Coram : RANJIT MORE &
SARANG V. KOTWAL, JJ.
Date : **June 14, 2017.**

P. C. :

1. Heard. The present application under section 482 of the Code of Criminal Procedure, 1973 is filed for quashing the FIR bearing CR. No. 113 of 2016 registered with Matunga Police Station for the offence punishable under section 498A read with section 34 of the Indian Penal Code, 1860. The said FIR is registered against the Applicants at the instance of Respondent No. 2. The Applicants are the husband and the mother-in-law of Respondent No. 2.

2. We have perused the FIR. Respondent No. 2 has alleged in the FIR that the Petitioners were causing harassment and coerced her to bring money from her father. She has also stated that under coercion from time to time she paid an amount of Rs.35 lakhs to the

Applicants.

3. The learned Counsel appearing for the Applicants submitted that Rs. 10 lakhs were returned to Respondent No. 2. The complaint however alleges that rest of the balance amount was refused to be paid by the Applicants and the Applicants told Respondent No. 2 if she wants that amount she has to sign on the divorce papers. In our view, the complaint taken as it is, prima facie discloses the commission of cognizable offence under section 498A of IPC. In that view of the matter, complaint cannot be quashed in exercise of powers of this Court under section 482 of the Code of Criminal Procedure, 1973. Application is, therefore, **dismissed**.

4. The learned Counsel appearing for the Applicant submitted that Applicant No. 2 is 70 years old and as such she may not be compelled to remain present in the trial Court. In this regard, the Applicants are always at liberty to apply for exemption before the trial Court.

[SARANG V. KOTWAL, J.]

[RANJIT MORE, J.]