

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

WRIT PETITION NO. 2525 OF 2016

Avinash Agrawal	...	Petitioner
V/s.		
State of Maharashtra & Anr.	...	Respondents

**WITH
CRIMINAL APPLICATION NO. 497 OF 2017
IN
WRIT PETITION NO. 2525 OF 2016**

Gagan Parasher	...	Applicant / Intervenor
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In the matter between

Avinash Agrawal	...	Petitioner
V/s.		
State of Maharashtra & Anr.	...	Respondents

- Mr.Sandeep Pasbola a/w. Mr.Bhavesh Thakur, Mr.Krupa Vedeye i/b. Mr.Yogesh Adhia for the Petitioner.
- Ms.S.D. Shinde, A.P.P. for Respondent No.1-State.
- Mr.Rajiv Chavan, Senior Advocate a/w. Ms.Priyanka Chavan i/b. H.H. Nagi & Associates for Respondent No.2.
- Mr.S.A. Bhagwat for the Applicant/Intervenor in APPW/497/2017.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 23rd NOVEMBER, 2017.

P.C. :

1] Heard Mr.Pasbola, learned counsel for the Petitioner, Ms.Shinde, learned A.P.P. for Respondent No.1-State, Mr.Chavan,

learned Senior Advocate for Respondent No.2 and Mr.Bhagwat, learned counsel for the Applicant/Intervenor.

2] This petition is filed for quashing and setting aside the FIR bearing C.R. No.232 of 2016 registered with Andheri Police Station at Mumbai. This FIR is filed by Respondent No.2-wife of the Petitioner for the offence punishable under Sections 498(A), 506(2) of the Indian Penal Code (for short "IPC").

3] We have gone through the FIR. The FIR discloses that the Petitioner took amount of Rs.16 Lakh from the Complainant's parents and the Petitioner has refused to return the said amount and on persistent demand he started harassing and ill-treating the Complainant. The allegations, in our *prima-facie* view, constitutes an offence punishable under Section 498(A) of the IPC.

4] Mr.Pasbola, learned counsel for the Petitioner made two fold submissions. Firstly, the FIR does not disclose any offence and secondly, the entire cause of action arose at Bangalore and therefore, the FIR could not have been registered at Mumbai

5] In view of the observations made hereinabove, the first submission is devoid of merits. So far as the second submission is concerned, we find that the offence alleged under Section 506(2) of

IPC is committed at Mumbai and, therefore, the subject FIR was rightly registered in Mumbai.

6] It is settled position in law that the veracity of the allegations made in the FIR cannot be tested at the stage of quashing and, therefore, we are unable to accept the submissions advanced by the learned counsel for the Petitioner. The petition is devoid of any merit and the same is, accordingly, dismissed.

7] In view of disposal of Writ Petition, nothing survives in Intervention Application bearing Criminal Application No. 497 of 2017 and the same is accordingly disposed of.

8] Mr.Pasbola, learned counsel for the Petitioner, at this stage, requested for continuation of the ad-interim order for some time. We are, however, unable to accept this request, in view of the latest decision of the Apex Court in the case of State of *Telangana vs. Habib Abdullah Jeelani & Ors.*, reported in *AIR (2017) SCC 373*. Ad-interim order thus stands vacated.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]