

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

CRIMINAL WRIT PETITION NO.134 OF 2015

Mrs.Vranda Gokuldas Pai ...Petitioner

Versus

Sr.Police Inspector, Malad Police Station & Ors. ...Respondents

Mr.K.M. Tripathi for the Petitioner.

Mrs.P. P. Shinde, APP for the Respondent-State.

Mr.Vinay Taliwal a/w Mr.Santosh Kumar Singh for the Respondent No.3.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 01st OCTOBER 2018.

P.C.

1. Heard the learned counsel appearing for the respective parties. The petition is filed for quashing and setting aside the FIR bearing No.391 of 2014 registered with Malad Police Station at the instance of the respondent No.3 for an offences punishable under Sections 341, 509, 504, 506, 323 read with 34 of the Indian Penal Code qua the petitioner.

2. The copy of the subject FIR is annexed at page 16 to the petition. Perusal thereof shows the respondent No.3-complainant had made allegations against the petitioner's

husband and petitioner's son for offences mentioned herein above. So far as the petitioner's husband and son are concerned the learned APP made a statement that the charge-sheet is already filed. Statement is accepted.

3. By the order dated 09.03.2018 this Court after hearing the respective counsel issued notice to respondent No.3 and until further orders, direction was issued not to file charge-sheet qua the petitioner, though charge-sheet is filed against her son and husband. The charge-sheet is not filed against the present petitioner.

4. In the light of the above, we have gone through the allegations made against the present petitioner who is the wife of the main accused namely her husband and son. The FIR shows incidents in two parts. The petitioner was not even present when first part of the incident occurred in which specific allegations are levelled against petitioner's husband Gokuldas Pai. So far as the second part is concerned the petitioner's son is involved and it is alleged that he tried to assault complainant. As far as the petitioner is concerned it is stated that she arrived after some time of the incident and it is

alleged that the complainant assaulted her father and son. It is also alleged that she abused the complainant. These are the only allegations against qua petitioner.

It is not the case of the complainant herself that the petitioner had accompanied the main accused. The complaint itself shows that the present petitioner arrived at the spot after of the completion of the second incident and made allegations against the complainant that they have assaulted her husband and son. Though, allegations are made against the present petitioner that she abused the complainant, even if these allegations are taken at its face value then also it falls short of offence of criminal intimidation under Section 503 of the Indian Penal Code. None of the section alleged in the FIR can be applied qua the petitioner.

5. Since, we have come to the conclusion that the FIR does not disclose any commission of any offence by the petitioner, the same is quashed and set aside qua the petitioner. The petition is accordingly allowed in terms of the prayer clause (c) qua the petitioner only.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)