

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL WRIT PETITION NO.697 OF 2018**

Mrs. Shamim Bashir Dhalait & Ors.] ... Petitioners

Versus

State of Maharashtra & Anr.] ... Respondents

Ms. Hetal Patel i/b Hulyalkar & Associates for Petitioners.

Mrs. A. S. Pai, APP for State – Respondent No.1.

Mr. Vikram V. Pai for Respondent No.2.

CORAM :- R. M. SAVANT &
SARANG V. KOTWAL, JJ.

DATE :- 15 MARCH, 2018

P. C. :-

1. The above Writ Petition has been filed for quashing the FIR bearing no.18 of 2018 registered with the Rabale Police Station, Navi Mumbai, Thane, for the offences punishable under Sections 498A, 323, 504 and 506 of the IPC. The above Petition has been filed by the mother-in-law who is Petitioner No.1, sister-in-law who is Petitioner No.2 and the relatives of the husband who are Petitioner Nos.3 and 4. The learned Counsel for the Petitioners Ms. Hetal Patel, on instructions, would make a statement that she would not press the

Petition insofar as the Petitioner No.1 is concerned and would seek the reliefs sought in the above Petition only insofar as the Petitioner Nos.2 to 4. Statement accepted.

2. In view of the fact that the quashing of the FIR is now only *qua* the Petitioner Nos.2 to 4 are concerned, we examined the FIR. On such examination, we do not find any statement which can be said to constitute the ingredient of the offence punishable under Section 498A of the IPC or the other offences under the IPC which are alleged against them. Insofar as the Petitioner No.2 is concerned, it is alleged in the FIR that she, along with the husband and the mother-in-law and other family members, were instrumental in ousting the first informant from the house and that she was ill-treated by her in-laws which include her mother-in-law and the Petitioner No.2 who is her sister-in-law. Insofar the Petitioner Nos.3 and 4 are concerned, there is no specific allegation against them or no overt act is alleged against them. As indicated above, the facts disclosed in the FIR on the basis of which the offences punishable under Sections 498A, 323, 504 and 506 of the IPC are alleged to have been committed by the Petitioner Nos.2 to 4 can hardly said to constitute the ingredients of the said

offences. We do not deem it appropriate to comment further on the said aspect lest it affects the other parties at the trial. However, insofar as Petitioner Nos.2 to 4 are concerned, the above Writ Petition is required to be allowed and is accordingly allowed *qua* the said Petitioners in terms of prayer clause (a).

3. The Writ Petition is accordingly made absolute to the aforesaid extent.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)