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

**WRIT PETITION NO. 961 OF 2016**

Anuradha Giridhar Bhosale & anr. ... Petitioners

**Versus**

The State of Maharashtra & anr. ... Respondents

Mr. Jaydeep S. Deo, for the Petitioners.

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

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

**DATE : 28<sup>th</sup> SEPTEMBER, 2018.**

**P.C.:-**

1. Heard the learned Counsel for the Petitioners and the learned APP for the State. Despite service nobody appears on behalf of the Respondent.
2. The petition is filed under Article 226 of the Constitution of India for quashing FIR bearing C.R. No.55 of 2016, registered with Kothrud Police Station, Pune, at the instance of Respondent no.2 for the offences punishable under Section 498A, 323, 504 r/w 34 of Indian Penal Code.
3. Copy of FIR is annexed at page 60. We have gone

through the same. The main allegation is against the husband, who is already expired. The allegation to that effect is that he was not keeping physical relationship. So far as the present petitioners are concerned, allegation made against them that they were supporting the Respondent no.2, complainant husband.

4. The allegations made in the FIR in our considered view cannot constitute an offence under Section 498A of Indian Penal Code. So far as under Section 323 and 504 is not cognizable and in the absence of the allegation of the 498A Indian Penal Code, the FIR could not have been lodged.

5. In the light of above, the petition deserves to be allowed by setting aside and quashing the impugned order. The petition is allowed in terms of prayer clause (a). Consequently, the impugned FIR is quashed and set aside. All concerned shall act on authenticated copy of this order.

**[SMT. BHARATI H. DANGRE, J.]**

**[RANJIT MORE, J.]**

Santosh  
Subhash  
Kulkarni

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by Santosh  
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