

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 1752 OF 2018**

Vinita Rajabhau Sathe

....Petitioner.

Vs.

Deepti Hemant Dogra & Ors.

....Respondents.

Mr. Niranjan Mundargi for the Petitioner.

Mr. A.R. Patil APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 4th SEPTEMBER, 2018.****P.C.:-**

By the present Petition under Section 227 of the Constitution of India, the Petitioner has impugned the Order passed below Exhibit-1 in Complaint Case No. 454/SS/2016 dated 19th September, 2016 passed by the learned Metropolitan Magistrate, 13th Court, Dadar, Mumbai thereby, dismissing the Complaint preferred by the Petitioner under Section 500 of the Indian Penal Code and the Order dated 15th December 2017, passed by the learned Additional Sessions Judge, City Civil and Sessions Court, Greater Mumbai in Revision Application No. 1236 of 2016.

2 Heard the learned counsel for the Petitioner and the learned APP. Perused the record.

3 The Petitioner had filed the said Complaint bearing C.C. No. 454/SS/2016 in the Court of Metropolitan Magistrate, 13th Court, Dadar, Mumbai under Section 500 read with Section 34 of the Indian Penal Code against the Respondent Nos. 1 and 2. The said Complaint is dismissed by the learned Magistrate on the ground that, the exceptions 8 and 9 mentioned in Section 499 of the Code of Criminal Procedure are attracted to the said Complaint.

4 The record further indicates that, the Respondent No.1 has lodged the Complaint under Section 498-A against her husband and by making some allegations against the Petitioner herein, in the Court of competent jurisdiction at Panchakula, State of Haryana.

It appears that, the allegations made by the Respondent No.1 in her complaint/proceedings in the said Court are based on her personal knowledge thereby attracting Section 498-A of the Indian Penal Code. It further appears from the record that, the averments made by the Respondent No.1 in her Complaint *prima facie* attract exceptions 8 and 9 mentioned in Section 499 of the Code of Criminal Procedure. It further appears that, as a counter-blast to the said Complaint and with a view to create defence in favour the Petitioner, the Petitioner has lodged the present Complaint.

5 After perusing the entire record, this Court is of the considered view that, the findings recorded by both the Courts below are correct and they have not committed any error either in law and/or on facts while passing the impugned Orders.

6 The present Petition is devoid of any merits and is accordingly rejected.

(A.S. GADKARI, J.)

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