

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL WRIT PETITION NO.1713 OF 2017**

Smt. Nirmala Pawan Thalia & Anr.] ... Petitioners

Versus

The State of Maharashtra & Ors.] ... Respondents

Mr. M. P. Mishra i/b Mr. R. C. Mishra for Petitioners.

Mrs. A. S. Pai, Addl. P. P. for State.

Respondent No.3 present.

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

DATE :- 23 MARCH, 2018

P. C. :-

1. The above Writ Petition has been filed for quashing of the proceedings being 2400906/PW/2017 pending before the learned Additional Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai, arising out of the FIR being C.R.No.160 of 2016 registered with the Charkop Police Station, Mumbai, for the offences 498A, 406, 509, 323, 354 and 506 read with Section 34 of the IPC. The said FIR has arisen out of the matrimonial discord between the Respondent No.3 and her husband. The Petitioners herein are the brother-in-law Vinod and sister-in-law Nirmala of the first informant.

2. The learned Counsel Mr. Mishra endeavoured to demonstrate to us the falsity of the allegations made in the FIR and consequentially the factum of the ingredients of the offences alleged against them being absent. He sought to draw our attention to the factual aspects of the matter in support his submissions. In the instant case, charge-sheet has already been filed on 28/05/2017.

3. *Prima facie*, it cannot be said that the Petitioners have wrongly been arraigned as accused for the offences alleged against them. We restrain ourselves from making elaborate comments on the factual aspects, lest it affect the Petitioners at the trial. We, therefore, do not deem it appropriate to exercise our writ jurisdiction. The Writ Petition is accordingly dismissed. However, we clarify that if any application for discharge is filed, the same to be tried on its own merits and in accordance with law.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)