

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

WRIT PETITION NO. 3610 OF 2017

Shaunak Vilas Sathe & Ors. ...Petitioners

Versus

Shilpa Shaunak Sathe & Ors. ...Respondents

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Ms.Pritam Joshi for the Petitioners.

Mr.Ashutosh R. Gole for the Respondents.

Mrs.Geeta P. Mulekar, APP for Respondent No.3-State.

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CORAM: MRS.MRIDULA BHATKAR, J.

DATED: DECEMBER 05, 2018

P.C.:

1. This Petition is filed under section 482 of Code of Criminal Procedure, 1973 ("the Cr.P.C.").
2. In this Petition, the petitioners are praying to quash the proceedings in O.M.A. No. 82 of 2016 pending before the learned Judicial Magistrate First Class, Thane.
3. The learned counsel for the petitioners submits that the petitioners have very good case. Nothing is mentioned in the FIR disclosing violation at the hands of the petitioners. Petitioner No.1

is a husband and petitioner Nos. 2 and 3 are the father-in-law and the mother-in-law. She further submits that on the contrary, respondent No.1- wife is interested in his flat and torture him and his parents. She further submits that respondent No.1-wife threatened the petitioners and falsely prosecuted them under section 498A of the Cr.P.C. She further submits that respondent No.1-wife is very abusive and, therefore, she prays that process issued against the petitioners by the learned Magistrate is to be quashed and set aside.

4. Per contra, the learned counsel for the respondents opposes this Petition. He submits that in the FIR, respondent No.1-wife has made allegations of the torture and the harassment against the petitioners. He further submits that there is economic abuse at the hands of the petitioners, as the flat which is shared household, is transferred by the husband in the name of the father-in-law with ulterior motive.

5. Considered the submissions of both the sides. After going through the FIR, record and the statements, I am of the view that no case of domestic violence is made out against the in-laws.

There are no specific allegations or instances against the father-in-law and the mother-in-law i.e., petitioner Nos. 2 and 3. The nature of allegation made in the complaint in respect of non-cooperation cannot be called as the harassment and the torture. Hence, I am inclined to quash and set aside the proceedings in O.M.A. No. 82 of 2016 filed against the father-in-law and the mother-in-law i.e., petitioner Nos. 2 and 3 and the proceedings qua petitioner No.1-husband shall remain.

6. With this, the Petition is partly allowed.

(MRIDULA BHATKAR, J.)