

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 105 OF 2019

VIVEK VATS AND ANR., ... Petitioners

Versus

DINESH KUMARI SHARMA AND 3 ORS., ... Respondents

Mr. Arun De Sa, Advocate for the Petitioners.

Mr. D. Lawande and Mr. Amogh Prabhudessai, Advocates for the Respondent no.1.

Mr. Pravin Faldessai, Additional Government Advocate for the Respondent nos.2 and 3.

Mr. P. Kanekar, Advocate for the Respondent no.4.

Coram:- C. V. BHADANG &
NUTAN D. SARDESSAI, JJ.

Date:- 11th October, 2019

P.C.

Mr. De Sa, the learned Counsel for the petitioners, on instructions, submits that the petitioners are only restricting the prayer for quashing of the FIR insofar as the petitioner no.1 is concerned. In other words, the prayer for quashing of the FIR in relation to petitioner no.2, is not pressed.

2. For the reasons to be separately recorded, the petition is partly allowed. The impugned FIR to the extent registering the offence under Sections 498-A, 504, 323 and 506 read with Section 34 of the Indian Penal Code against the petitioner no.1, Mr. Vivek Vats, is hereby quashed and set aside.

3. Needless to mention, that the investigation insofar as the other accused, can continue. It is further made clear that the observations herein are limited for the purpose of deciding the plea for quashing the FIR and the learned Magistrate hearing the complaint under The Protection of Women from Domestic Violence Act, 2005 or any other proceedings, shall not be influenced by these observations.

NUTAN D. SARDESSAI, J.

C. V. BHADANG, J.

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