

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

CRIMINAL WRIT PETITION NO. 1742 OF 2014

Lavu Ganesh Patekar & ors. ...Petitioners.

Versus

The State of Maharashtra & ors. ...Respondents

Mr. Kiran Bhadane, advocate for Petitioners.

Mr. F.R. Shaikh, APP for State.

**CORAM : B.P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.**

DATE : NOVEMBER 8, 2019.

P.C.:

1 Matter is pending before this Court since 19th April, 2014. Prayer of petitioners is to quash FIR No. 95 of 2014 under section 498A, 406 and 34 of the Indian Penal Code. On 1st July, 2014, this Court issued notice and restrained the respondent from filing charge-sheet. It appears that on 6th April, 2016 this Court has after recording a finding prima facie also stayed investigation against the petitioners. There are total four petitioners and it is not clear against whom investigation has been stayed. In very same order, this Court permitted investigating officer to complete investigation against remaining accused within 6 weeks. FIR at Exh. B shows total 5 persons as accused.

Talwalkar

2 Investigating officer has thereafter, not filed any report pointing out completion of investigation.

3 Not only this, respondent No. 3 complainant is still not served with court notice. Though a private affidavit that service has been effected upon her was filed, there is no appearance on her behalf.

4 Thus, a grievance of matrimonial nature alleged to have arisen between September, 2011 to October, 2013 is still lying as it is.

5 Papers show that respondent No. 3 has tendered affidavit in reply in present matter. It is dated 1st July, 2016. In it, she has stated that she filed police complaint against her in-laws because of pressure of her husband.

6 After receipt of that affidavit, period of more than 3 years had expired.

7 In this situation, it appears that respondent No. 3 has not opposed withdrawal of earlier complaints because of pressure of her husband.

Talwalkar

8 As matter has remained pending before this Court for more than 6 years, we direct investigating officer to consider all these aspects and to file suitable report in the Court of concerned JMFC within two months from today. Interim orders passed by this Court shall not come in his way in submitting his report.

9 With these directions and keeping all the contentions of the parties open, we dispose of present petition.

(SMT. SADHANA S. JADHAV, J) (B.P. DHARMADHIKARI, J)