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

CRIMINAL WRIT PETITION NO.800 OF 2020

Prashant Jaysingh Kamble & another ... Petitioners

Vs.

State of Maharashtra & another ... Respondents

Mr.S.R. Bugade for the Petitioners

Ms.Sangeeta Shinde, APP, for Respondent – State

**CORAM: S.S. SHINDE &
N.J. JAMADAR, JJ.**

DATED: SEPTEMBER 8, 2021

P.C.:

1. Heard Mr.Bugade, learned Counsel appearing for the petitioner. The petition is preferred to quash the impugned First Information Report No.194 of 2019 registered with Badlapur Police Station for the offences punishable under sections 498-A, 323, 504 and 506 read with section 34 of the Indian Penal Code (for short, 'Penal Code') a the instance of Respondent No.2, the wife of petitioner No.1 – Prashant Jaysingh Kamble. Petitioner No.2 is the mother of Petitioner NO.1.

2. Mr.Bugade, learned Counsel appearing for the petitioners, submitted that the allegations in the First Information Report are in the nature of normal wear and tear of life and do not make out the offences for which the petitioners have been arraigned. Mr.Bugade further submitted that before lodging of the First Information Report, petitioner No.1 had given a complaint to Assistant Police Inspector, Women's Grievance Redressal Cell, Ulhasnagar, District Thane on 17th July, 2019. However, no action was taken on the said complaint. Our attention was also invited to the conversations between petitioner No.1 and Respondent No.2 on Whatsapp.

3. We have perused the allegations in the First Information Report. We find it rather difficult to accede to the submissions on behalf of the petitioners that the offences are not prima facie made out. It would suffice to note that there are allegations of unlawful demand of a sum of Rs.3 lakhs and harassment, which apparently fall within the ambit of cruelty as defined under section 498-A of the Penal Code. It is trite that while exercising the extraordinary and inherent jurisdiction under Article 226 of the Constitution of India and section 482 of the Code of Criminal Procedure, the High Court cannot delve into the veracity and

correctness of the allegations in the First Information Report. If the offences are prima facie made out, the question of truthfulness or otherwise of the allegations is required to be left to be adjudicated at the stage of trial. We are thus not inclined to entertain the petition.

4. The petition stands rejected.

However, the petitioners are at liberty to take out appropriate proceedings before the appropriate Court in the event, after completion of the investigation, the Investigating Officer files chargesheet.

The observations hereinabove are prima facie in nature and confined to the question of entertaining the petition. They may not be construed as an expression of opinion on merits of the matter.

Writ Petition stands disposed off accordingly.

(N.J. JAMADAR, J.)

(S.S. SHINDE, J.)