

JPP

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

CRIMINAL WRIT PETITION NO. 3272 OF 2021

Jijabai Anna Kalel

... Petitioner

V/s.

The State of Maharashtra

... Respondent

Mr. Laxman Kalel for the Petitioner

Ms. M.H. Mhatre, APP for the Respondent

***CORAM : NITIN JAMDAR &
SARANG V. KOTWAL, JJ.***

DATE : 27 OCTOBER 2021

P.C. :-

This Petition is filed for quashing of the FIR No. 235 of 2021 registered on 13 March 2021 under Section 498(A), 306, 304(B), 323, 504 and 506 of the Indian Penal Code.

2. The FIR was lodged by the father of the deceased Ashwini, who was married to the son of the Petitioner on 25 April 2019. In the FIR it is stated that the daughter of the Informant Ashwini used to tell the Informant on phone that her mother-in-law that is the Petitioner started harassing the deceased and she used to abuse her. Ashwini ultimately committed suicide by hanging herself

and it is stated in the FIR that it is because of the harassment meted out by the Petitioner.

3. The contention of the learned Counsel for the Petitioner is that the Petitioner was not residing alongwith the deceased. Apart from being a matter of evidence, it is also not necessary that for harassment two parties should stay together continuously, especially in the nature of relation in question. It cannot be said that the FIR does not disclose any offence or that the assertions made therein are unbelievable. As laid down by the Apex Court in the case of *M/s. Neeharika Pvt. Ltd. v/s. State of Maharashtra*¹, only in the case of rarest of rare nature the Court may exercise its inherent powers. No such case is made out.

4. The Writ Petition is accordingly rejected.

5. At this stage the learned Counsel for the Petitioner seeks to withdraw this Petition with a liberty to pursue statutory remedy. The jurisdiction of this Court has now been repeatedly abused by such Petitions which are filed only for taking chances, leading of clogging of dockets of the Court. The request for withdrawal is rejected.

SARANG V. KOTWAL, J.

NITIN JAMDAR, J.

¹ AIR 2021 SC 1918