

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Application (APL) No.63/2020

(Miss Slysha Dixit V State of Maharashtra and another)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. Amit Khare, Advocate for applicant.
Mr. Thakre, APP for non-applicant no.1/State.

CORAM : M.S. SONAK & PUSHPA V. GANEDIWALA, JJ.
DATE : 28-10-2021.

Heard Mr. Khare, learned Counsel for the applicant
and Mr. Thakre, learned APP for the State.

2. The respondent no.2 has been served, despite service is neither present nor represented. The record indicates that an advocate has filed appearance for respondent no.2, however, is not present today.

3. This is an application to quash the First Information Report lodged by respondent no.2 against the applicant herein alleging commission of offences punishable under Sections 498-A, 504 and 506 of the Indian Penal Code (for short, 'IPC'). Admittedly, offences under Sections 504 and 506 of the IPC are non-cognizable.

4. From the perusal of allegations in the FIR, we are satisfied that none of the ingredients for constituting offence under Section 498-A of the IPC have been made out. There is no

dispute that the applicant is not the relative of the complainant's husband. Even in the affidavit in reply filed on behalf of respondent no.1 is fairly admitted in paragraph 5 that the allegations constituting offence under Section 498-A of the IPC are not made out against the applicant herein.

5. In the aforesaid circumstances, the FIR so far as it concerns the applicant herein, is required to be quashed and hereby quashed.

6. There shall be no order as to costs.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)