

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

CRIMINAL APPLICATION (APL)NO. 578 OF 2021

Sharad S/o Shankarrao Girde and ors

Vs.

The State of Maharashtra, through its P.S.O., P.S. Nandanwan, Nagpur and anr

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Ujwal R. Phasate, Advocate for the applicants.
Mrs. M.A. Barabde, A.P.P. for the non-applicant no.1/State.

**CORAM : V.M. DESHPANDE AND
AMIT B. BORKAR, JJ.**

DATE : 23rd JUNE, 2021.

1. Heard Shri Ujwal R. Phasate, learned counsel for the applicants.

2. By filing this application under Section 482 of the Criminal Procedure Code, the applicants are praying for quashing of the charge-sheet filed by the Investigating Officer, pursuant to the First Information Report against the applicants – Viraj Girde with Police Station Nandanwan, Nagpur in the year 2015 vide Crime No. 448 of 2015 for the offence punishable under Sections 498-A, 294, 506-B read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act, 1961

3. The non-applicant no.2 is the original complainant. From her report dated 25.11.2015, it appears that she is a highly educated lady and she is

serving in the State Bank of India, Bharat Nagar Branch, Nagpur and her marriage took place with Viraj Girde, the Son of applicant nos.1 and 2 and brother of applicant no.3. On 08.04.2014, within a period of one year, it appears that there was a matrimonial discord. From the First Information Report itself, it is clear that on 18.10.2015 a meeting was arranged in the house of Dr. Sandeep Rameshkumar Kashyap.

4. Investigating Agency found that the First Information Report was disclosing commission of cognizable offence and, therefore, offence was registered under Sections 498-A, 294, 506-B read with Section 34 of the Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act. After completion of entire investigation a final report under Section 173 of the Code of Criminal Procedure is also filed in the Court of learned Jurisdictional Magistrate. Entire copy of charge-sheet is placed on record.

5. We have gone through statement of Dr. Sandeep Kashyap in whose house meeting dated 18.10.2015 which has reflection in First Information Report was held. His statement and after having read the statements of other witnesses recorded by the Investigating Officer while conducting investigation under Section 161 of the Code of Criminal

Procedure, we are of the view that this is not a case wherein the charge-sheet should be quashed. In our view, looking to the allegations made and statement of the facts disclosing in the statements of the various witnesses whose statements are recorded during the course of the trial, the prosecution must be given an opportunity to hold and conduct trial. In that view of the matter, there is no merit in the application.

6. The Criminal Application is rejected.

JUDGE

JUDGE

C.L.Dhakate