

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

CRIMINAL WRIT PETITION NO. 600 OF 2021

1. Manisha Bhagwan Kamble,
aged 45 years, Occupation – Household,
R/o Plot No. 31, Beltarodi Road,
Near Kachore Lawn, Niwara Co-operative Housing Society,
Somalwada, Nagpur.
2. Meena Balaji Gadge,
aged 36 years, Occupation – Private,
R/o Gopalpatti, Near Railway Gate,
Manjri (Khurd), Haveli, Pune – 412307.

...PETITIONERS

Versus

1. State of Maharashtra,
through Police Station Officer,
Police Station Samta Nagar,
Mumbai.
2. Mrs. Swati w/o Vinod Kamble,
aged 29 years, Occupation – Housewife,
R/o C/o Flat No. 601, D – Wing,
Gokul Residency, Thakur Village,
Kandiwali (East), Mumbai – 400101.

...RESPONDENTS

Mr. Sumedh Kadam, Advocate for the petitioners.
Mr. S.S. Doifode, A.P.P. for respondent No.1/ State.

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**CORAM : SUNIL B. SHUKRE AND
G.A. SANAP, JJ.**

DATED : 7 JUNE 2022.

ORAL JUDGMENT : (PER : SUNIL B. SHUKRE, J.)

Rule. Rule made returnable forthwith. Heard finally by consent of learned Counsel for the parties.

2. Initially, the First Information Report bearing No. 130/2021 for the offence punishable under Sections 498A and 506(2) read with Section 34 of the Indian Penal Code, 1860 registered by the Police Station – Samta Nagar, District – Mumbai was not only against the present petitioners but also against the husband of respondent No.2 and the father-in-law, mother-in-law and brother-in-law of respondent No.2.

3. By the judgment delivered on 26/07/2021 in Criminal Writ Petition No. 324/2021 filed by the father-in-law, mother-in-law and brother-in-law, i.e., Mr. Ram Keshav Kamble, Ms. Neela Ram Kamble and Mr. Sachin Ram Kamble, this Court quashed the First Information Report so registered against these in-laws.

4. Now, it is the contention of the learned Counsel for the petitioners that both these petitioners' case is identical to the case of the co-accused against whom the First Information Report has been quashed by this Court.

5. According to the learned Additional Public Prosecutor, the case of both the petitioners is quite distinguishable because there are specific allegations made in the complaint filed by respondent No.2, and that these allegations *prima facie* incriminate both these petitioners in the offences registered against them.

6. On going through the First Information Report and the other material available on record, we find that the case of petitioner No.1 – Manisha cannot be distinguished from the case of the co-accused, who have been let off the hook by this Court, and we are also of the opinion that the case of petitioner No.2 – Meena, who is sister-in-law of respondent No.2, stands quite distinctively on a different footing.

7. In the First Information Report filed by respondent No.2, there are allegations of harassment made against petitioner No.2, and taken at their face value, these allegations, in our considered opinion, do make out a *prima facie* case against petitioner No.2. Therefore, we are not inclined to allow the petition of petitioner No.2, although as stated by us earlier, the petition of petitioner No.1 deserves to be allowed.

8. The petition is partly allowed, and it is directed that the First Information Report registered against petitioner No.1, Manisha Bhagwan Kamble, be quashed and set-aside forthwith. Petition of petitioner No.2, Meena Balaji Gadge, stands dismissed.

9. Rule is made absolute in the above terms, which is restricted to petitioner No.1.

JUDGE

JUDGE

Sumit

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