

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

CRIMINAL WRIT PETITION NO.264 OF 2023

Navnath Kisan Potfode.

... **Petitioner**

Versus

1. The State of Maharashtra.

2. Uma W/o Digamber Potfode.

... **Respondents**

...

Mr. Avinash A. Phad, Advocate for Petitioner.

Mr. R. B. Bagul, APP for Respondent No.1 / State.

Mr. Anand Pravin Raka, Advocate for Respondent No.2.

...

CORAM : **R. G. AVACHAT and
SANJAY A. DESHMUKH, JJ.**

DATE : 12th June, 2023.

ORDER: (Per Sanjay A. Deshmukh, J.)

. Heard the learned advocates for the respective parties.

2 The petitioner has prayed for quashing of the First Information Report (for short "FIR"), under Section 482 of the Code of Criminal Procedure, 1973, registered against him and others at Shirsala Police Station, Taluka Parali, District Beed, bearing Crime No.171 of 2021, for the offences punishable under Sections 323, 498-A, 504 and 506 read with 34 of the Indian Penal Code, 1960 (for short "IPC").

3 The petitioner is the cousin father-in-law of the informant. He is residing separately. He is no way concern with the family affairs of the informant. His name is mentioned in the FIR that he was involved in causing cruelty to the informant.

4 The petitioner contended that he is no way concern with the said crime and was falsely implicated in the crime. His role is not specified in the FIR. He, therefore, prayed to quash the FIR registered against him.

5 The learned APP for the State and the learned counsel for respondent No.2 strongly opposed the writ petition. They contended that there is strong *prima-facie* case against the petitioner. His name is mentioned in the FIR. They lastly prayed to dismiss the writ petition.

6 Perused the FIR. The FIR does not show the particular role of the petitioner for causing cruelty to the informant. The essential ingredients of Section 498-A of the IPC are not *prima-facie* found in the FIR. Thus, there is no sufficient ground to proceed against the petitioner. This would be an abuse of the process of Court. Therefore, in the interest of justice, quashing of the FIR against the present petitioner is justifiable. The FIR deserves to be quashed against the petitioner. The argument of the learned APP and the learned counsel for respondent No.2, is therefore, not accepted in this regard.

7 In the result, the writ petition is allowed in terms of prayer
clause (B). No costs.

nga [SANJAY A. DESHMUKH, J.]

[R. G. AVACHAT, J.]