

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2432 OF 2023

Tushar Laxman Desai and another
versus
The State of Maharashtra and others

Petitioners
Respondents

Mr.Satish Muley with Mr.Mosin Nair and Sajid Qureshi, Advocate for
Petitioners.

Mrs.M.H.Mhatre, APP, for State.

Mr.Niranjan Bhavake, Advocate for Respondent no.3.

PSI R.N.Loke, Sakinaka Police Station, present

CORAM : PRAKASH D.NAIK AND
N.R.BORKAR, JJ.

DATE : 18th December 2023

PC :

1. Petitioners have challenged the charge sheet in case No.PW/6603685/2022 arising out of FIR No.1390 of 2022 registered on 31st May 2022 with Saki Naka Police Station, Mumbai for offences u/s.498-A, 323, 504, 506 r/w 34 IPC.

2. Petitioner no.2 is the sister-in-law of Respondent no.3. Petitioner no.1 is the husband of Petitioner no.2. The FIR registered at the instance of Respondent no.3 refers the fact that her marriage was solemnized with accused no.1 on 27th April 2016. She was ill-treated by the accused. The FIR was lodged against husband, mother-in-law, father-in-law and brother-in-law.

3. The learned advocate for Petitioners submitted that Petitioners are falsely implicated in this case. There is no allegation in the FIR and statements of witnesses to invoke the charges levelled in the FIR.

Section 509 IPC has been dropped while filing charge sheet. The marriage of Petitioner no.2 was solemnized with Petitioner no.1 on 31st January 2020 which is prior to the marriage of Respondent no.1 with accused no.1.

4. Learned APP submitted that FIR refers to role of Petitioners. Investigation is complete. Charge sheet is filed against Petitioners.

5. Advocate for Respondent no.3 submitted that in the FIR it has been stated that Petitioner no.2 and Petitioner no.1 have threatened the complainant when she visited police station for lodging the complaint.

6. We have perused the FIR and statements of witnesses. We do not find any evidence to substantiate the offences invoked against Petitioners. It is alleged that on the date when the complainant had approached the police Petitioners had intimidated complainant that she will have to leave matrimonial house. There is no material to prosecute the Petitioners for the alleged offences.

ORDER

- (i) Writ Petition is allowed and disposed off;
- (ii) The charge sheet in case No.PW/6603685/2022 arising out of FIR No.1390 of 2022 registered on 31st May 2022 with Saki Naka Police Station, Mumbai are quashed and set aside qua Petitioners.

(N.R.BORKAR, J.)

(PRAKASH D. NAIK, J.)