

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2361 OF 2022**

Swapnil Suresh Deshpande ...Petitioner
Versus
The State of Maharashtra and Anr. ...Respondents

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Mr. V. S. Tadke i/by Mr. Shireen F. Khan, Advocate for the Petitioner.
Mr. Ajay Patil, APP for Respondent - State.
Mr. Subir U. Sarkar, Advocate for Respondent No.2.

**CORAM : A.S. GADKARI AND
PRAKASH D. NAIK, JJ.**

DATE : 2nd MAY, 2023 .

P.C.

1. Petitioner is challenging the charge-sheet arising out of C.R. No.425 of 2019 registered with Sinhgadh Police Station for offences punishable under Sections 498-A and 506 of Indian Penal Code (for short 'IPC').

2. The First Information Report (for short 'FIR') was lodged at the instance of Respondent No.2 on 9th June, 2019 with Sinhgadh Road Police Station alleging that, she was acquainted with the Accused while she was residing with her parents at Yawatmal. The Accused then proposed marry her. She refused the proposal. The Accused then started harassing the first informant and her family members. Due to harassment they shifted to Pune. On 7th August, 2008 the Accused approached Respondent No.2 and threatened her of dire

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consequences if she does not perform marriage with him. On 9th August, 2008 the Accused performed marriage with first informant under coercion. Thereafter, she started residing with the Accused at Pune. The Accused told her to borrow Rs.40,000/- from her parents. The first informant brought Rs.40,000/- from her father and gave it to the Accused. The Accused thereafter kept on pressurizing her bring to money from parents. Under the threats she borrowed money from her father and gave it to Accused. Whenever she refused to satisfy demand of money, the Accused assaulted her. He was addicted to liquor. She was physically and mentally tortured. The first informant started residing with her parents. Accused got a job at Nagpur. The first informant's father arranged premises on rental basis at Nagpur. She was pregnant. She was abused and assaulted. She was sent to her parental home. She gave birth to child. The Accused borrowed Rs.40,000/- from her father and went to Mumbai. He did not return to see the child for a long period of time. The Accused had clicked objectionable photographs and video in his cellphone. He was threatening her that he would make those photographs viral.

4. Learned Advocate for the Petitioner submitted that, the allegations in the FIR are concocted. There is delay in lodging FIR.

The allegations are of general nature. The offence under Section 498-A is not made out. The sister of the Petitioner had lodged the complaint against Respondent No.2 and his relatives which was treated as N.C. complaint on 26th May, 2019.

5. Learned Advocate for Respondent No.2 submitted that, specific role has been attributed to the Petitioner. There was continuous harassment. There are allegations of physical and mental cruelty. Offence under Section 498-A IPC is made out.

6. Learned APP submitted that, allegations in the FIR are of serious nature. During the course of investigation statement of other witnesses were recorded. On completing investigation charge-sheet has been filed.

7. We have perused the FIR and the other documents on record. There are specific allegations in the FIR against the Petitioner. *Prima facie* offences under Section 498-A IPC is made out. Apart from the statement of the first informant, the Investigating Officer had recorded the statement of brother and mother of Respondent No.2, which corroborates the version of first informant. The contents of FIR indicate that there was constant demand of money by the Accused. The victim was continuously harassed. She was abused, assaulted and threatened. The allegations in the FIR are of serious

nature. On completing investigation charge-sheet is filed. The submissions urged by the learned Advocate for the Petitioner cannot be accepted. No case is made out to quash the charge-sheet.

ORDER

. The Criminal Writ Petition No. 2361 of 2022 stands dismissed

(PRAKASH D. NAIK, J.)

(A. S. GADKARI, J.)