

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 6692 OF 2021

Usman Ronak Khan ... Petitioner
Versus
State of Maharashtra & Anr. ... Respondents

Mr. Rakesh Singh i/by K. R. Tiwari & Co. for the Petitioner.
Mrs. G. P. Mulekar, APP for the Respondent-State.

**CORAM: NITIN W. SAMBRE AND
R. N. LADDHA, JJ.**

DATE : 3rd FEBRUARY, 2023

P.C. :-

1. The case of the petitioner is after marriage with the respondent no.3 on 13th December, 2017, the false FIR came to be lodged which has resulted in to registration of Crime No. 979 of 2021 for an offence punishable under Section 498A, 323, 504, 506 of the Indian Penal Code, read with Section 4 of the Muslim Women (Protection of Rights on Marriage), Act, 2019.

2. So as to substantiate that the petitioner is involved in a false offence, the petitioner has invited our attention to the certain commercial transactions so as to claim that the amount was never deposited in the account of the petitioner.

3. If we appreciate the said submissions, same is in the form of defence raised by the petitioner.

4. As far as the contents in the FIR are concerned, the narrations therein speaks about the ill-treatment, cruelty and assault by the petitioner.

5. In this background, the perusal of the FIR since disclosed a cognizable offence, the respondent nos. 1 and 2 were justified in registering the offence.

6. At this stage, it is not open for us to go into the defence of petitioner and appreciate the same for considering the prayer for quashing.

7. In this background, no case for quashing is made out. As such, the petition stands dismissed.

8. However, in case, if the petitioner is charge-sheeted, it shall be open for him to question the same in writ proceedings or may apply for discharge before the Court below.

[R. N. LADDHA, J.]

[NITIN W. SAMBRE, J.]