

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

CRIMINAL WRIT PETITION NO. 1894 OF 2023

Sandip Trimbak Bhosale & Ors. ... Petitioners
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Bharatkumar B. Nukte a/w. Adv. Sapna Gaikwad for Petitioners.
Mr. Ajay Patil, A.P.P. for Respondent-State.
Mr. Ajit M. Savagave for Respondent No. 2.

**CORAM : NITIN W. SAMBRE &
RAJESH S. PATIL, JJ**

DATED : 30th AUGUST, 2023

P.C.:

1. Heard.
2. The prayer is for quashing of the FIR and consequential charge-sheet in Crime No. 731 of 2020 punishable u/s. 498-A, 323, 504, 506, 406 r/w. 34.
3. At the outset, perusal of the FIR and other material discloses the absence of the material against the Petitioner No. 4-Shital so as to infer the satisfaction of the ingredients of the offence alleged.
4. In view of above, learned Counsel for the Respondent No. 2/Complainant on instructions extend the consent for quashing of the FIR *qua* the Petitioner No. 4-Shital.

5. The said Petitioner No. 4-Shital is sister of the Petitioner No. 1-Sandip who was married to the Respondent/Complainant on 21/02/2011.

6. For the aforesaid reasons, the Petition stands allowed to the extent of Petitioner No. 4-Shital in terms of prayer clause (a).

7. As far as the Petitioner Nos. 1 to 3 are concerned, the Court of the Magistrate vide order dated 03/03/2022 passed below Exhibit-29 has rejected the prayer of the Petitioner Nos. 2 and 3 for discharge by a reasoned order.

8. Apart from above, perusal of the FIR and further material depicts the satisfaction of the necessary ingredients of the offence alleged against the Petitioner Nos. 1 to 3.

9. Merely because the Petitioner Nos. 2 and 3 are in-laws that by itself will not bring them out of the clutches of the offence alleged particularly in the backdrop of the allegations made in the FIR.

10. After the investigation of the crime sufficient evidence is collected so as to infer the involvement of Petitioner Nos. 1 to 3 in the offence in question.

11. Learned Counsel for the Petitioners, though has claimed that the Petitioner Nos. 2 and 3 are not residing with the Respondent

No. 2/Complainant, the said submissions are in the form of defence of the Petitioners and as such, this Court cannot go into such defence at the stage of quashing of the FIR and charge-sheet.

12. For the purpose of considering the prayer for quashing, this Court is required to consider the contents in the FIR and it is not open for this Court to analyze the defence of the Petitioners.

13. Apart from above, as far as the case of the Petitioner No. 1-husband is concerned, direct evidence is available against him.

14. In view of above, no case for causing interference *qua* the Petitioner No. 1 to 3 is made out.

15. The Petition to that extent stands dismissed.

(RAJESH S. PATIL, J)

(NITIN W. SAMBRE, J.)