

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1426 OF 2023

Rohidas Shivaji Patange And Ors.

...Petitioners

Versus

State Of Maharashtra And Anr.

...Respondents

Mr. Nitesh J. Mohite for Petitioner.

Mr. Gautam J. Jain for Respondent No.2.

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

PSI Shankar Shinde, Bhiwandi City Police Station is present.

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**CORAM : PRAKASH D. NAIK &
N. R. BORKAR, JJ.**

DATE : 11th DECEMBER 2023

P.C.:-

1. The petitioners are charge-sheeted for the offences punishable under Sections 498-A, 323, 504, 506 read with 34 of the Indian Penal Code, 1860. The FIR was registered at the instance of Respondent No.2 on 4th August 2023 with Bhiwandi City Police Station.
2. Learned Advocate for Petitioners at the outset, on instructions, submitted that he would not press for any relief for petitioner Nos.1 to 3 and the said petitioners may be granted liberty to move application for discharge before the trial Court.
3. The marriage between Petitioner No.1 and Respondent No.2 was solemnized on 31st May 2021. The complainant has alleged pursuant to the

marriage, the accused had ill-treated her. There was demand of money for purchasing block. The father-in-law and mother-in-law had informed the complainant to terminate the pregnancy for not bringing the amount for purchasing block from her parents. Father of respondent No.2 had transferred the amount into the account of applicant No.1 (husband of respondent No.2). Pursuant to registration of FIR, investigation proceeded and charge-sheet is filed.

4. The petitioner No.1 is the husband, Petitioner No.2 is mother-in-law, Petitioner No.3 is father-in-law, Petitioner No.4 is brother-in-law, Petitioner No.5 is wife of petitioner No.4, Petitioner No.6 is brother of petitioner No.3 and petitioner No.7 is wife of petitioner No.6.

5. Learned Advocate for petitioners submits that entire family has been implicated in this proceedings. The allegations in the FIR are false. The allegations against the petitioner Nos. 4 to 7 are vague. The FIR is based on the concocted version of the complainant. No specific overact has been attributed to the petitioner Nos. 4 to 7.

6. Learned APP submitted that FIR contains allegations against all the petitioners. Specific role has been attributed of the petitioners. Investigation is completed and charge-sheet is filed. Offences are made out against all the petitioners.

7. Learned Advocate for respondent No.2/complainant submitted that all the petitioners were instrumental in causing harassment and ill-

treatment to the complainant. Specific role has been attributed to all the petitioners. There was demand of money for purchasing block. Money was transferred into the account of petitioner No.1. Role has been ascribed to Petitioner Nos. 4 to 7. They were also instrumental in instigating petitioner No.1 to cause harassment to the complainant. During the course of investigation, statement of witnesses are recorded. Charge-sheet is filed. Prima facie case is made out against the petitioners. Hence, petition may be dismissed.

8. We have perused FIR and the statements which form part of charge-sheet. The marriage between first informant and petitioner No.1 was solemnized on 31st May 2023. The FIR has been registered on 4th August 2023. The relief qua petitioner Nos.1 to 3 is not pressed as far as Petitioner Nos. 4 to 7 are concerned, we find that the allegations are of vague nature. Statement of the witnesses is at verbatim to that of the complainant. Considering the nature of allegations against Petitioner Nos. 4 to 7, we are inclined to exercise the power under Article 226 of the Constitution of India read with Section 482 of Cr.PC. to quash the impugned proceedings against the Petitioner Nos. 4 to 7.

ORDER

(i) Criminal Application No.1426 of 2023 qua petitioner Nos.1 to 3 is allowed to be withdrawn with liberty to move an application for discharge before the trial Court.

(ii) The proceedings in RCC No. 1363 of 2022 pending before the learned JMFC, Bhiwandi which are arising out of FIR No.302 of 2022 registered with Bhiwandi Police Station qua petitioner No.4 to 7 is quashed and set aside.

(iii) Writ Petition stands disposed off.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)