



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO.1665 OF 2022

APPLICANTS

- : 1 Tarun S/o Harish Bhagchandni,
Aged 35 years, Occ.Service, R/o C/o
Harish Bhagchandani, A-26, First
Floor, DDa Flats, Near Satyam
Cinema, New Ranjeet Nagar, Patel
Nagar, Central Delhi, Delhi.
- 2 Mukesh S/o Harish Bhagchandani,
Aged 40 years, Occ.Service, R/o 65 C,
DDA Mig Flats, Rajouri Garden, J-6,
West Delhi.

..VERSUS..

RESPONDENTS

- : 1 State of Maharashtra,
Through Police Station Officer, Police
Station Jariptaka, Nagpur District
Nagpur.
- 2 Neha W/o Tarun Bhagchandani
aged about 27 years, Occ. Service, R/o
C/o Inderkumar Parani, Plot
No.12/180, MIG, Nara Road, near
Bapuna Wine Shop, Jaripatka, Nagpur.

Mr K. N. Jain, Advocate for Applicants.

Mr S. S. Doifode, APP for Respondent No.1/State.

Mr D. R. Upadhyay, Advocate for Respondent No.2.

CORAM : VINAY JOSHI AND M. W. CHANDWANI, JJ.

DATE : 1st DECEMBER, 2023.

ORAL JUDGMENT : (PER : VINAY JOSHI, J.)

. Heard finally by consent of the learned Counsel appearing for the parties.

Admit.

2. This is an application seeking to quash charge-sheet arising out of Crime No.667 of 2022, registered with Jariptaka Police Station, District Nagpur, for the offence punishable under Sections 406 and 498-A of the Indian Penal Code, 1860.

3. At the inception, we have expressed our non-inclination to entertain the application as regards to applicant No.1 – husband. At this juncture, the learned counsel appearing for applicant seeks permission for withdrawal of this application to the extent of applicant No.1.

4. Leave granted. Application as regards to applicant No.1 stands disposed since withdrawn. We are concentrating only to the extent of role of applicant No.2 who is brother-in-law of the informant lady.

5. With the assistance of both the sides, we have gone through the police report lodged by the informant lady as well as the statements recorded during investigation. On careful examination except one isolated instance, we find nothing against applicant No.2 who is brother-in-law of the informant lady. By and large, entire allegations are against applicant No.1 - husband. She has merely stated that applicant No.2 has also joined his brother (husband) blaming the lady that she was found with stranger in the Hotel. There are no details about the allegation nor the informant stated exactly what was the occurrence. The statement of other witnesses does not bare allegation as regards to applicant No.2. Therefore, even if the prosecution case is accepted at its face value, it does not make out a *prima facie* case against applicant No.2 Mukesh Harish Bhagchandani. In view of that continuation of prosecution against applicant No.2 amounts to an abuse of the process of the Court.

6. In the circumstances, we hereby allow the application to the extent of applicant No.2 - Mukesh Harish Bhagchandani

and consequently quash the charge-sheet arising out of Crime No.667 of 2022, registered with Jariptaka Police Station, District Nagpur, for the offence punishable under Sections 406 and 498-A of the IPC to the extent of applicant No.2 only.

7. The criminal application stands disposed in above terms.

(M. W. CHANDWANI, J.)

(VINAY JOSHI, J.)