

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

CRIMINAL WRIT PETITION NO. 887 OF 2024

Suhas Santu Gode ...Petitioner
Versus
State Of Maharashtra And Anr. ...Respondents

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Mr. Vipul K. Bodhare, Advocate for the Petitioner.

Ms. Rutuja Ambekar, APP for the Respondent – State.

A.S. Pawar, Khadakpada Police Station.

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

DATE : 19th MARCH, 2024.

P.C.:

1. The Petitioner challenges the First Information Report (for short 'FIR') registered with Khadakpada Police Station vide FIR No.115 of 2024 for offence under Sections 498-A and 420 of Indian Penal Code (for short 'IPC')

2. The Petitioner is the husband of Respondent No.2. The marriage between them was solemnized on 8th June, 2023. The complainant has alleged impotency of the Petitioner. During the investigation, the investigating officer has issued letter dated 11th March, 2024 to the Petitioner asking him to cooperate with medical examination.

3. Learned Advocate for the Petitioner submitted that the Petitioner cannot be subjected to medical examination to determine the impotency. The FIR does not make out offence under Section 498-A of IPC.

4. Learned APP submitted that in the light of allegations in the FIR, medical examination of the Petitioner is necessary.

5. Issue notice to Respondent No.2, returnable on 11th June, 2024.

6. The question is whether on the basis of allegations in the FIR, the Petitioner can be subject to medical examination. The direction to the Petitioner issued by the investigating officer to subject himself for medical examination is stayed till next date.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)