



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

CRIMINAL APPLICATION (APPP) NO.1406 OF 2024
IN
CRIMINAL APPLICATION (APL) NO. 856 OF 2024

Vipin Babanrao Kamble and ors. -Vs-State of Maharashtra and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Applicant No.1 in person.
Mr. Anup Badar, A.P.P for non-applicant -State.

CORAM VINAY JOSHI &
MRS. VRUSHALI V. JOSHI, JJ.
DATE : 5th AUGUST, 2024.

1. Initially, Criminal Application (APL) No. 856 of 2024 was filed by in all six persons seeking to quash the First Information Report in Crime No.154 of 2024 for the offence punishable under Section 498-A,323,504 and 506 r/w 34 of the Indian Penal Code.

2. Criminal Application (APL) No.856 of 2024 was filed in person under the signatures of all the six applicants, who are the informant's husband and parents-in-law (applicant Nos.1 to 3), brother of mother-in-law (applicant No.4), sister of mother-in-law (applicant No.5) and maternal grand mother of husband (applicant No.6).

3. Today, this application has been filed under the signature of all the applicants stating that applicant Nos.4 to 6 be deleted as they have filed separate Criminal Application No.827 of 2024 seeking the same relief for quashing and the said proceedings is pending. Since, the

other petition is pending for the same relief and this application is signed in particular by applicant Nos.4 to 6, we find no hurdle in allowing the application.

4. In view of above, applicant Nos.4 to 6 stands deleted. Necessary amendment be carried out.

5. The applicant No.1-husband also urged to permit him to prosecute further for he himself along with his parents i.e. applicant Nos.2 and 3. He has filed a special power of attorney executed by his parents on 26.07.2024, whereby they have authorised the applicant No.1 to appear on their behalf. The applicant No.1 has relied on the decision of Hon'ble Supreme Court in the case of **Jimmy Jahangir Madan Vs. Bolly Cariyappa Hindley (dead) reported in AIR 2005 SC 48**, with special emphasis on paragraph Nos.9 and 10 which we have gone through. Since, the applicant Nos.2 and 3 have urged to appoint the applicant No.1 and also filed power of attorney, we, hereby permit the applicant No.1 to prosecute the case for he himself along with applicant Nos.2 and 3. The applicant has been appraisal that still he can avail the benefit of Legal Services Authority however, the applicant is firm that he do not require legal aid, he is capable to argue his own case. Be that as it may, the applicant may request this Court at any time for providing legal aid.

6. Criminal Application stands disposed of accordingly.

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1. Heard the applicant No.1 in person.
2. The applicant No.1 would submit that the marriage was lasted only for two to three months and thereafter, his wife without reason went away. It is his contention that the allegations are false and fabricated one. The applicant would submit that he has evidences to review the contentions raised in the police report.
3. Issue notice to the non-applicants, returnable after six weeks.
4. Learned APP waives service of notice on behalf of non-applicant No.1- State.
5. In the meantime, investigation shall go on but the charge-sheet shall not be filed without obtaining leave of this Court.
6. This Criminal Application be tagged along with Criminal Application No. 827 of 2024.

JUDGE**JUDGE**