



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

CRIMINAL APPLICATION NO. 10 OF 2024

Kailash Choudhary 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.

Mr. Sahil Dewani, counsel for the applicants.
Mr. J.Y.Ghurde, A.P.P for non-applicant No.1.

**CORAM VINAY JOSHI &
MRS. VRUSHALI V.JOSHI, JJ.**

DATE : 5th January 2024.

1. Heard.

2. This is an application seeking to quash the First Information Report dated 26/07/2023 in Crime No. 0282 of 2023 for the offences punishable under Sections 380, 384, 385, 420, 504 and 506 r/w 34 of the Indian Penal Code of Police Station Nandgaon Peth.

3. The applicants are the parents and other relatives of one Swati, who was erstwhile wife of the informant. They got married on 13.12.2008 however the marriage was dissolved by decree of divorce in 2018 by Foreign Court. According to the applicants, thereafter they have no connection, however, in order to extract money, various allegations have been levelled. It is submitted that the allegations made are post divorce as well as they have not occurred within the jurisdiction of concerned police station.

4. The applicants learned counsel would submit that initially, the police did not took cognizance, hence the informant has applied to the Magistrate in terms of the Section 156(3) of Cr.P.C, who has declined to issue such directions. Particularly, it is pointed out that when the said order was challenged, Revisional Court has passed the order in absence of applicants. It is submitted that since, the first order of Magistrate was in favour of the applicants, they have right to protect the order by appearing in revision, but without giving right of hearing, revision was allowed.

5. Issue notice to the non-applicants, returnable after six weeks.

6. Learned APP waives service of notice for non-applicant No.1-State.

7. In the meanwhile, investigation shall go on, but not to file charge-sheet without leave of this Court.

JUDGE

JUDGE