

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

Cri.Writ Petition No.2540 of 2022

Chandrakant Bhiva Choudhari
Age:64 years, Occ: Retired,
R/at- Plot No.80, Mahatma
Gandhi Colony, Old Kupwad Road,
Near Mangalwar Bazar, Sangli,
Tal.Miraj,Dist.Sangli-416416

... Petitioner.

Vs.

1. The State of Maharashtra
(through Vishrambaug Police
Station, Sangli)
2. Dilip Maruti Masale
Age:65 Years, Occ : Retired,
3. Sunanda Dilip Masale,
Age: 57 Years, Occ: Household,
Both R/at- Anandaban Colony,
Chintamani Bungalow, Kupwad Fata
Behind Hotel New Ratna Sangli,
Tal. Miraj, Dist. Sangli-416415.
4. Amruta Sushant Patil ,
Age : 32 Years, Occ: Household,
R/at -village Sagaon, Tahsil, Shirala,
Dist.Sangli 415408.
5. Sushant Baburao Patil
Age : 39 years, Occ: Merchant,

R/at Anandaban Colony,
Chintamani Bungalow,
Kupwada Fata, Behind Hotel
New Ratna Sangli, Tal. Miraj,
Dist.Sangli 416415.

6. Chandrakant Shinde,
Age : 65 years, Occ: Service,
R/at Warnali, Vishrambag,
Sangli – 416415.

7. Madhukar Ramchandra Ghorpade
Age : 67 years, Occ- Nil.
R/at-Khanbhag, CTS No.1277,
Chatre Galli, Front of the Power
house, Sangli 416416.

... Respondent.

Mr Pramod Kathane, a/w Mr Amol Ghurde, for the petitioner.
Mr Arfan Sait, APP, for the respondent/ State.

Coram: R.N. Laddha, J.
Date: 17 February 2025.

P.C.:

Heard Mr Pramod Kathane, the learned Counsel appearing on behalf of the petitioner, and Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State.

2. The petitioner, a complainant, a Tax-Superintendent at Sangli Miraj And Kupwad Municipal Corporation, Sangli, states

that his son was in a relationship with the daughter of accused No.1 and 2 (respondents No.2 and 3), and they got married in 2006. However, due to their inter-caste marriage, the accused harbored resentment towards the complainant. Taking advantage of the couple's marital conflicts, the accused lodged a complaint at Vishrambaug Police Station. As a result, a crime was registered vide CR No.32 of 2014 against the complainant, his son, and his wife. Additionally, MCA No.63 of 2014 was filed under the Protection of Women from Domestic Violence Act, 2005, against the complainant and his family members. The complainant further alleges that when the matter was referred to the Women Counselling Centre, he, his son and his daughter-in-law were summoned to resolve the dispute. During this time, accused No.1 made derogatory remarks about the complainant's caste. Consequently, on 23 March 2014, the complainant submitted an application to Vishrambaug Police Station but the police did not take any action, and therefore, the complainant filed a complaint bearing RCC No.573 of 2014 before the Judicial Magistrate First Class, Sangli. By an order dated 16 April 2015, the learned Magistrate dismissed the complaint. Aggrieved, the petitioner filed a revision application bearing No.65 of 2015 before the Additional Sessions Judge, Sangli. The learned Additional Sessions Judge vide an order dated 8 March 2022 rejected the petitioner's

request. Dissatisfied, the petitioner has approached this Court by filing the present petition.

3. After examining the records, including the complaint, the complainant's verification statement, and the impugned orders, it appears that the complaintant alleges the incident occurred at the Women Counselling Centre. However, there is nothing on record to indicate that the complainant and the accused were summoned to that location. This is more important when the complaint does not specify the date and time of the alleged incident which occurred at the Women Counselling Centre. The complaintant asserts that the accused has committed an offence punishable under Section 181 of the Indian Penal Code (IPC), which prescribes penal consequences for making false statements under oath or affirmation before a public servant or a person authorised to administer such oath or affirmation. Section 196 of the IPC stipulates punishment for use of evidence known to be false. However, in accordance with Section 195 of the Code of Criminal Procedure, 1973 ('CrPC'), no prosecution under this provision can be instituted except upon a prior complaint by the Court or a public servant. In the present case, there is a lack of compliance with the mandatory requirements of Section 195 CrPC. Likewise, Section 195 of the IPC penalises making false statements in declarations legally

admissible as evidence. The statutory mandate under Section 195 of the CrPC necessitates a complaint by a public servant or the Court to assume jurisdiction over such an offence. Furthermore, the provisions of the CrPC expressly bar the Court from taking cognisance of an offence under Section 211 in the absence of a written complaint by the Court. Additionally, no material is on record to substantiate how the accused allegedly utilised or forged documents concerning offences under Sections 465, 467, 471 and 474 of the IPC.

4. Upon careful consideration of the contentions raised by the complainant, it is evident that no offence is established under the provisions of the IPC or the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The complainant has failed to establish a *prima facie* case warranting further legal action.

5. In light of the above, there is no infirmity in the order dated 16 April 2015 passed by the learned Judicial Magistrate First Class, Sangli, in RCC No.573 of 2014, and the order dated 8 March 2022 passed by the learned Additional Sessions Judge, Sangli, in revision application No.65 of 2015. As a result, the present petition stands dismissed.

[R. N. Laddha, J.]