



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

WRIT PETITION NO. 5272 OF 2024

1. Mrs. Reecha Kayal Bhuyan
2. Ms. Shashikala Bimalkumar Kayal ..Petitioners
vs.
1. State of Maharashtra
2. Mrs. Nidhi Gupta ..Respondents

Mrs. Rajalakshmy Mohandas a/w. Ms. Mukta Chorge, Mr. Nehal Farukh Azam i/b. Rajalakshmy Associates, Advocates for the Petitioners.

Mr. R. M. Pethe, APP for Respondent No.1, State.

Mr. Mukesh Gupta i/b. Mr. Dhrutiman Joshi, Advocates for Respondent No.2.

**CORAM : RAVINDRA V. GHUGE &
RAJESH S. PATIL, JJ.**

DATE : 23rd JANUARY 2025.

P.C. :-

1. We have considered the submissions of the learned Advocate on behalf of the sister-in-law and the mother-in-law, respectively.

2. The learned Advocate representing Respondent No.2/Complainant has opposed this Writ Petition and has canvassed in the light of the First Information Report (FIR), that ultimately an offence will be made out before the Trial Court.

3. We find from the FIR No.0311 of 2023, dated 5th July, 2023, registered with the Chandannagar Police Station, Pune City, that a dispute purely between the husband and the wife has been taken to the police station. The wife has narrated various alleged acts of atrocities by the husband. The demand for money, abuses in filthy language, beating of the wife, etc. have been narrated. For the last 7 to 8 years, Respondent No.2 is now staying separately along with the daughter born from the marriage performed on 30th December, 2007.

4. The learned Advocate for the Petitioners submits that as the Complainant has not leveled any serious allegation against the Petitioners, save and except, the statement by the mother-in-law that “she should act as per the desire of her husband”. The husband and the wife used to reside in Bangalore after their marriage, since the husband was working in Bangalore. Both these Petitioners are residents of Rehabari, Kamrup Metro, Guwahati, Assam.

5. Considering the above, though the learned APP has vehemently opposed the Writ Petition, we did not find any such specific allegation against the mother-in-law which could constitute

an offence under any of the Sections invoked in the FIR. So also, there is hardly anything that is said about the sister-in-law.

6. In view of the above, **this Writ Petition is allowed** in terms of prayer Clause (a) which reads as under:-

“(a) this Hon’ble Court be pleased to quash and set aside the FIR No.0311/2023 lodged with Chandannagar Police Station, Pune, Maharashtra under section 498A, 406, 504, 323 r/w.34 of Indian Penal Code, 1860.”

Needless to state, that this order is qua these Petitioners only.

7. Since the charge-sheet has been filed, the names of these two Petitioners would stand deleted from the charge-sheet and the pending proceedings bearing RCC No./3570/2024.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)