

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

WRIT PETITION NO. 552 OF 2024

Mr.Pratik Dansingani & Ors. ... Petitioners
versus
The State of Maharashtra & Anr. ... Respondents

Ms. Shweta R. Agrawal for the Petitioners.

Mr.Hiten Venegaonkar, Public Prosecutor a/w Ms.Pallavi
Dabholkar, APP for Respondent No.1/State.

Ms. Mayuri Hatle a/w Mr. Mandar Surve for Respondent No.2.

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

DATE : 24TH JANUARY, 2025.

P.C. :-

1. On 8th January, 2025, we had passed the following
order :

*“1. We have perused the additional affidavit dated
6th January, 2025 filed by Shri. Satya Narayan,
Joint Commissioner of Police (L & O), Mumbai
and we have heard Shri. Venegaonkar, the learned
Chief Public Prosecutor. During the course of the
hearing in this matter, we noticed that the
Claimant, who has agreed to receive an amount of
Rs.8 Lakhs as a full and final settlement, has
already received the entire streedhan and items in
kind.*

2. The learned Advocate for the Petitioners submitted that she would take instructions. Petitioner Nos.2 and 4 are present in the Court. On the next date, the statement would be made on the offer, as is accepted by the Complainant, keeping in view that there was an MOU, which indicated the amount of Rs.8 Lakhs.

3. List this Petition on 23rd January, 2025, for hearing and dictating orders.

4. The Complainant and the Accused would make a joint Application before the trial Court for seeking an adjournment in the proceedings, on 16th January, 2025.”

2. Today, Mr.Pratik Dansingani addressed the Court in person through the video conferencing mode. His lawyer appearing in Court has identified him on the VC screen and confirms that he is the same person, who is the husband of the Complainant, and Petitioner No.1 in this matter.

3. The learned APP submitted that a Look Out Circular has already been issued with regard to Petitioner No.1. A non-bailable warrant was also issued. He is in Dublin, Ireland and is not coming to India. He is the person who is not co-operating and obstructing the investigation.

4. We called upon Petitioner No.1-in-person to state as to whether he would co-operate in the investigation. His reply was that the visa process is on and he will not be able to come to India for four months. He confirms that there was a Memorandum of Understanding between the parties, which is dated 13th April, 2023, placed at page Nos. 66 to 72 of the Petition paper-book. He concedes that he had agreed to pay an amount of Rs.8,00,000/- as settlement amount to the Complainant so that they could part ways by seeking divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955. He submits that because a First Information Report (FIR) has been registered, he would not pay the said amount, which was a part of the Memorandum of Understanding.

5. The learned Advocate for the Complainant wife submits that the Anticipatory Bail Application was allowed on the condition that the terms of the Memorandum of Understanding would be implemented. Thereafter, Petitioner No.1 has resiled and has not paid the said amount. She prays that the anticipatory bail, be cancelled.

6. The learned APP rightly submits that the Complainant is at liberty to move for cancellation of the anticipatory bail considering that the condition on which the Application was allowed, has been flouted. We allow the Complainant to avail the said remedy.

7. The learned Chief Public Prosecutor points out that there is an extradition treaty between India and Ireland and the procedure will now be initiated for ensuring that Petitioner No.1 is extradited from Ireland and brought to India. He further submits that a Look Out Circular has been issued and a non-bailable warrant is also pending.

8. We have considered the strenuous submissions of the learned Advocates for the Petitioners and the Complainant, and the learned APP on behalf of the State. The charge-sheet has been filed in the Trial Court.

9. From the contents of the FIR, it is clear that the unmarried sister-in-law, who resides in the same house, has on numerous occasions, in the collaboration with the mother-in-law, is

alleged to have abused the Complainant. Both used to check her cellphone frequently. Her laptop was in the possession of the mother-in-law and the sister-in-law. There is an allegation that they used to browse her bank accounts in the laptop and after noticing her bank balance, used to demand dowry amounts to support the husband's business aspirations.

10. There is also an allegation that the mother-in-law used to say that she was pouring dry fruit powder in the milk which she used to offer to the Complainant every night and used to compel her to drink the same. This led to drowsiness and the Complainant used to fall into deep sleep. There is an allegation against Petitioner No.1 that he has snapped nude photographs of the wife and used to insist to taking such pictures. It is also mentioned that the mother-in-law has on a few occasions, physically assaulted the Complainant.

11. In view of the above, we have referred to the following judgment:

- i) ***Superintendent of Police, CBI and Others Versus Tapan Kumar Singh¹***

¹ (2003) 6 SCC 175

12. Considering the above, **this Writ Petition is dismissed** to the extent of Petitioner No.1 husband, Mr.Pratik Dansingani; Petitioner No.2 mother-in-law, Mrs.Harsha Dayal Dansingani; and Petitioner No.3 sister-in-law, Ms.Hritika Dayal Dansingani. In the light of the above circumstances, the ad-interim relief granted in favour of Petitioner No.1, 2 and 3, stands vacated.

13. Considering the FIR in relation to Petitioner No.4 father-in-law, Mr. Dayal Dansingani, we find that there is hardly any allegation against him. The Hon'ble Supreme Court has held that an FIR is not like an encyclopedia and minutest details may not be found in the FIR. Nevertheless, there is hardly any statement against the father- in-law and there seems to be no involvement in the demand of dowry or the atrocities allegedly committed on the Complainant.

14. **This Petition is, therefore, partly allowed to the extent of Petitioner No.4.** Since the charge-sheet has been filed, we direct the deletion of Petitioner No.4 from the proceedings.

(RAJESH S. PATIL, J.)

(RAVINDRA V. GHUGE, J.)