

Kishor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO. 273 OF 2025**

Vivek Sahebrao Bhise and Ors.

..Petitioners

Versus

State of Maharashtra and Anr.

..Respondents

Mr. Chaitanya Chavan a/w. Mr. Ritesh Wagh, Advocate for
Petitioners.

Smt. M. M. Deshmukh, APP for Respondent-State.

**CORAM :- SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE :- 29th JANUARY 2025

P. C. :-

1. This is petition for quashing of the FIR registered vide the C.R. No.67 of 2021 at Borgaon Police Station on 12th April 2021 and the resultant proceedings under Section 498(A), 354 (A), 324, 323, 504, 506, 510 r/w. 34 of the Indian Penal Code.

2. Heard.

3. The principal contention of learned counsel for Petitioners is that the allegation on the face of FIR are false because the last incident of the alleged harassment according to the first informant

Respondent No.3 was 26th January 2015 whereas the FIR was lodged on 12th April 2021.

4. In the meantime the Petitioner No.1 had taken steps to obtain divorce from Respondent No.3 and as a counter blast in this FIR is lodged against the Petitioners to harass all the family members. We have considered these submissions in the light of the FIR and other submissions.

5. The Petitioner No.1 is husband of the Respondent No.3. The Petitioner Nos.2 and 3 are parents and Petitioner No.4 is his brother. The FIR is lodged by the Respondent No.3 mentioning that she got married on 24th May 2014. There are general allegations that the Petitioners used to harass her. There are specific allegations against the Petitioner No.1. that he had objectionable relations with another girl.

6. The main allegations in the FIR are about the incident dated 26th January 2015. There are allegations that the father-in-law held her hand and outraged her modesty. Allegedly he had threatened the informant. In the meantime the Petitioner No.4 started recording the conversation on his mobile phone. When the

Petitioner No.1 came home that clip was played before him. After that all of them assaulted the Respondent No.3. These are the main allegations.

7. The charge-sheet contains statements of other witnesses but they had not seen the incident dated 26th January 2015. In the meantime after that incident and before the FIR was lodged, the Petitioner No.1 had taken steps to obtain divorce. The period between 26th January 2015 and filing of the FIR is quite long. There is no explanation offered atleast in the FIR. In the meantime parties have also granted divorce. Therefore it is necessary to hear the Respondent No.3. The learned counsel for the Petitioners has made out a case for grant of *ad interim* relief. Hence the following order :-

ORDER

- (i) Issue notice to the Respondent No.3 returnable on **19th March 2025**. Till then the trial Court shall not proceed against the Petitioners.
- (ii) Stand over to **19th March 2025**.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)