

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3876 OF 2025

Pathay Pradeepkumar Sharma & Ors.

... Petitioners

V/s.

State of Maharashtra & Ors.

... Respondents

Mr. Dadhichi Mhaispurkar a/w Bakul Bhosale i/by R. R. Chaudhary for Petitioners.

Mrs. Prajakta P. Shinde, A.P.P. for Respondent No.1-State.

Mr. Premlal Krishnan a/w Mr. Siddharth Pimpale and Prashant Bothre i/by PAN India Legal Services LLP for Respondent Nos.2 and 3.

PSI S. A. More, Chitalsar Police Station, Thane.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 25th JULY 2025

PC:-

1) By this Petition filed under Article 226 of the Constitution of India, the Petitioners i.e. Husband (Petitioner No.1), Father-in-law (Petitioner No.2) and Mother-in-law (Petitioner No.3) of Respondent No.3 are seeking quashing of RCC No. 4272 of 2022, pending on the file of Judicial Magistrate First Class, 9th Court, Thane, arising out of C.R. No. 3 of 2022 dated 8th January 2022, registered with Chitalsar Police Station, Dist. Thane, under Sections 323, 406, 498-A and 504 read with Section 34 of the Indian Penal Code (IPC), with the consent of Respondent No.2, the informant i.e. the father of Respondent No.3, and Respondent No.3.

2) Though, the crime involved in the present case is under Section 498-A, after perusing the entire record, we had expressed not only our surprise but also displeasure in the manner and method in which the Police Authority was prompted to file First Information Report by Respondent No.3 through her father i.e. Respondent No.2.

3) It appears that the substantive cause of action for the alleged offence under Section 498-A occurred in Australia. The crime in question was registered on 8th January 2022 by Respondent No.2 on the basis of a Power of Attorney given by Respondent No.3. Respondent No.3 was, at the relevant time, stationed in Australia. After lodgement of crime, the Investigating Officer had issued a Notice dated 14th January 2022 to Respondent No.3, informing her to direct Respondent No.2 to attend the police station for recording her statement. Respondent No.3, as per her own convenience and leisure, thereafter attended the Chitalsar Police Station, Thane, on 8th April 2022 and for the first time, recorded her statement under Section 161 of Code of Criminal Procedure (Cr.P.C.). This conduct of Respondent No.3 itself shows that, there was no grave urgency in setting the criminal law into motion and that too through Respondent No.2, who was her Constituted Attorney. The Investigating Agency also swiftly investigated the said crime and has filed charge-sheet in the matter.

4) At this stage, learned Advocate for Respondent Nos. 2 and 3 submitted that this Court may not make any further adverse observations

against Respondent No.3, who is presently stationed at Australia, as it may cause undue hardship to her in pursuing her vocation at abroad. He, on instructions from Respondent No.2, who is personally present in the Court submitted that, Respondent Nos. 2 and 3 are not only giving consent for quashing of the crime in question but Respondent No.2 is also ready and voluntarily willing to pay a cost of Rs.3,00,000/- to the Bar Council of Maharashtra and Goa's Advocate Academy & Research Center. The said statement is accepted.

5) The learned Advocate for Respondent Nos.2 and 3 tendered across the bar an Affidavit of Respondent No.2 dated 22nd July 2025, duly affirmed before a Notary Public and an additional Affidavit dated 25th July 2025. It is stated therein that Petitioner No.1 and Respondent No.3 have amicably settled their disputes and differences. To the Affidavit dated 22nd July 2025, photocopy of email dated 22nd July 2025 and a Statutory Declaration dated 14th March 2025 of Respondent No.3 are annexed. It is stated in the Affidavits that, Respondent Nos.2 and 3 have no objection for quashing of the crime in question.

6) During the course of hearing, we had expressed our view that Respondent Nos.2 and 3 have wrongfully set the criminal law into motion, prompting the police machinery to investigate a crime and file charge-sheet. In his affidavit dated 25th July 2025, Respondent No.2 has admitted the fact of wrongfully setting the law into motion and has tendered unconditional

apology to this Court. In paragraph 2 thereof, Respondent No.2 has agreed and undertaken to pay a cost of Rs.3,00,000/- for his said act. The statements made in the said Affidavits dated 22nd July 2025 and 25th July 2025 are accepted.

7) In view of the solemn statement by Respondent No.2 on oath that he will pay a cost of Rs.3,00,000/-, we direct him to pay the said cost to Bar Council of Maharashtra and Goa's Advocate Academy & Research Center, within a period of two weeks from the date of uploading of the present Order.

7.1) Details of the bank Account for payment of cost are as under :

Account Name	:	BCMG's Advocate Academy & Research Center
Bank and Branch	:	Bank of India, Mumbai Main
Account Number	:	000120110001327
Type of Account	:	Current A/c
IFSC Code	:	BKID0000001

8) Subject to payment of said cost, Petition is allowed in terms of paragraph No.10(iv) and (vi).

9) It is made clear that, if the cost is not paid within stipulated period as mentioned above, the Petition will stand revived automatically

and in that event, the Investigating Agency shall complete the incomplete investigation *qua* the husband and the trial Court will proceed with the hearing of the said case expeditiously.

10) List on 29th August 2025, under the caption 'for reporting compliance'.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)