IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.194 OF 2026

ADV. JYOTI SUTAR,
32 years of age, Indian National,
Lawyer, Resident of House no. 850/14
Gaonkarwada, Mayem, Bicholim,
North Goa, Goa ...PETITIONER

Versus.

1. STATE OF GOA,
through Police Inspector,
Bicholim Police Station,
Bicholim Goa

2. SMT. RAMAVATI GADEKAR,
major in age, Indian National,
Gaonkarwada, Mayem, Bicholim,
North Goa, Goa ... RESPONDENTS

Mr. A Gosavi, Advocate for the Petitioner.

Mr. Preetam Talaulikar, Additional Public Prosecutor for Respondent No.1.

Mr. Sanjay Mangeshkar for Respondent No.2.

CORAM: ASHWIN D. BHOBE, J.

DATED : 2nd November, 2026.

ORAL JUDGMENT:

1. Heard, Mr A. Gosavi, learned Advocate for the Petitioner, Mr Preetam Talaulikar, learned Additional Public Prosecutor for Respondent No. 1 and Mr Sanjay Mangeshkar for Respondent No. 2.

2. Rule. Rule made returnable forthwith and with the consent of the learned Advocates for the parties, the petition heard finally.

3. The Petitioner, an Advocate practising in the State of Goa, has filed this Petition under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, before this Court, seeking the quashing of FIR No. 25 of 2026 dated 13.02.2026 ("*impugned FIR*") registered at Bicholim Police Station under Sections 329, 352, 115(2) and 324(4) of Bharatiya Nyaya Sanhita, 2023.

4. The Petitioner is named Accused No. 3 in the impugned FIR. Respondent No. 2 is the Informant. The son of Respondent No. 2 (*Yeshwant Gadekar*) is Accused No. 2. Her daughter-in-law (*Manjali Gadekar*) is Accused No. 3 and a carpenter is Accused No. 4 in the impugned FIR.

5. Upon investigation, the Police filed Chargesheet No. 34 of 2026, dated 18.03.2026, before the Court of the Judicial Magistrate First Class, Bicholim ("*Trial Court*"), in Criminal Case No. IPC No. 37 of 2026.

The Trial Court has taken cognisance of the chargesheet and issued summons to the Petitioner on 19.10.2026.

6. The Petitioner has sought the following substantive relief in the amended prayer clause (a), reproduced verbatim:

> *"(a) For appropriate writ, order declaring and quashing and setting aside the FIR No. 25/2026 Under Section 329, 352, 115(2) & 324(4), of Bharatiya Nyaya Sanhita,2023 (BNS), registered by the Bicholim Police Station and also quashing consequent Chargesheet no. 34/2026 dated 18.03.2026 filed before Judicial Magistrate First Class, Bicholim and the Order dated 19.10.2026 issued by Judicial Magistrate First Class, Bicholim in IPC No.37 of 2026 as regard the Petitioner for being illegal."*

7. The record on file in this Petition suggests that the prelude to the impugned FIR is a dispute between Respondent No. 2 and Manjali Gadekar.

a. Manjali Gadekar is before the Judicial Magistrate First Class, Bicholim, in proceedings initiated by her against Respondent No. 2 and three (3) other family members under the Protection of Women from Domestic Violence Act, 2005 ("*D.V. Act*"), registered as Case No. PWDVA No. 12 of 2024.

b. The Application filed by Manjali Gadekar in Case No. PWDVA No. 12 of 2024 under Section 23 of the D.V. Act was allowed by the Trial Court on 27.01.2026. The operative part of the said Order reads as follows:-

"ORDER

The application for interim reliefs is allowed and the respondents are restrained from interfering, obstructing, prohibiting, restraining the applicant's entry and peaceful possession in the matrimonial house bearing no.821/i Gaonkarwada, Mayem, Bicholim Goa till the main application is decided on merits. "

c. On 04.02.2026, the Petitioner accompanied Manjali Gadekar, her husband Yeshwant Gadekar and others to Manjali Gadekar's shared household. An altercation at the shared household amongst the opposing parties in Case No. PWDVA No. 12 of 2024 and their family members led to a squabble. This prompted Respondent No. 2 to lodge a complaint, which was registered as the impugned FIR. Manjali Gadekar lodged a counter complaint in respect of the same incident, which was registered as FIR No. 24 of 2026 dated 13.02.2026 at the Bicholim Police Station.

d. The consequence of the conflict between the parties in Case No. PWDVA No. 12 of 2024 on 04.02.2026 has resulted in the Petitioner being named as an accused in the impugned FIR.

8. Mr. A. Gosavi, learned Advocate for the Petitioner, submits that Manjali Gadekar was protected by the order dated 27.01.2026 passed in Case No. PWDVA No. 12 of 2024, in which the Petitioner was Manjali Gadekar's advocate. He submits that on 04.02.2026, the Petitioner accompanied Manjali Gadekar, at the latter's request, for moral support and that the Petitioner's presence at the shared household was for that

purpose. He further submits that the Petitioner had no intention whatsoever of participating in the alleged offence. He further submits that the allegations in the impugned FIR are intended to pressurise the Petitioner Advocate.

9. Mr. Preetam Talaulikar, learned Additional Public Prosecutor, submits that the subject matter of the impugned FIR appears to be a dispute on 04.02.2026 between Manjali Gadekar, the Respondent No. 2 and the other Accused named in the impugned FIR, arising out of Case No. PWDVA No. 12 of 2024. He further submits that the Petitioner should not have been present at the shared household and the reasons advanced by Mr A. Gosavi, learned Advocate for the Petitioner, do not justify the same. In fairness, Mr. Preetam Talaulikar submits that the involvement of an Advocate in the present crime is improper.

10. Mr Sanjay Mangeshkar, learned Advocate for Respondent No.2, submits that as an Advocate, the Petitioner should have taken due care not to enter the shared household when she was aware of the animosity between Manjali Gadekar and Respondent No.2. He submits that the explanation sought to be offered by Mr A. Gosavi, learned Advocate for the Petitioner, for the Petitioner's presence at the shared household does not inspire confidence. He, however, in all fairness, submits that an Advocate should not be made to face any FIR or charge-sheeted in relation to disputes pertaining to the parties they represent.

11. On the subject matter of the impugned FIR, Mr Sanjay Mangeshkar, learned Advocate for Respondent No. 2, firmly asserts that

the impugned FIR clearly discloses a cognisable offence against Accused Nos. 1, 2 and the carpenter.

12. Mr A. Gosavi, learned Advocate for the Petitioner, submits that the Petitioner regrets being present at the place of the incident on 04.02.2026. He further submits that the Petitioner shall, henceforth, take due care not to be present at any place of dispute involving the client the Petitioner represents.

13. Perused records.

14. The Petitioner, being the Advocate for Manjali Gadekar, is a fact not in dispute. Manjali Gadekar is engaged in litigation against Respondent No. 2 and the pendency of Case No. PWDVA No. 12 of 2024 is also not in dispute.

15. The impugned FIR states that the Petitioner accompanied Manjali Gadekar to Manjali Gadekar's shared household on 04.02.2026, where a dispute and a squabble arose between the parties in Case No. PWDVA No. 12 of 2024.

16. From the tenor of the complaint dated 04.02.2026, it appears that Respondent No. 2 did not take kindly to the presence of an Advocate at the disputed place, i.e. the shared household. Hence, the possibility of the Petitioner's insinuation in the crime cannot be ruled out. The statement in the complaint dated 04.02.2026, filed by Respondent No.2, vaguely refers to the other accused acting on the advice of the Petitioner.

17. Considering the nature of the dispute in Case No. PWDVA No. 12 of 2024 and the bitterness between the parties, the Petitioner should have exercised caution and not entered the shared household and in fact, not accompanied her client to the place of dispute. "The better part of valour is discretion"; the Petitioner lost sight of this.

18. The Advocate is best suited to discharge professional duties and advance the case and the cause of his/her client in the Court of law, "the courtroom", not at the place in dispute or the disputed site.

19. The Hon'ble Supreme Court's observation in O.P. Sharma vs. High Court of Punjab and Haryana[1], in paragraph 17, will be worth referring to:

> *"17) The role and status of lawyers at the beginning of Sovereign and Democratic India is accounted as extremely vital in deciding that the Nation's administration was to be governed by the Rule of Law. They were considered intellectuals amongst the elites of the country and social activists amongst the downtrodden. These include the names of galaxy of lawyers like Mahatma Gandhi, Motilal Nehru, Jawaharlal Nehru, Bhulabhai Desai, C. Rajagopalachari, Dr. Rajendra Prasad and Dr. B.R. Ambedkar, to name a few. The role of lawyers in the framing of the Constitution needs no special mention. In a profession with such a vivid history it is regretful, to say the least, to witness instances of the nature of the present kind. Lawyers are the officers of the Court in the administration of justice."*

20. Be that as it may, the impugned FIR and the material forming part of the chargesheet, taken at face value, do not satisfy the ingredients of

[1] (AIR 2011 SC 2101)

Sections 329, 352, 115(2) and 324(4) of the Bharatiya Nyaya Sanhita, 2023, in relation to the Petitioner. No offence, let alone any cognizable offence, is disclosed or prima facie made out against the Petitioner.

21. In view of the aforesaid facts, I deem it fit and proper to exercise the powers under Section 528 of the BNSS 2023 to secure the ends of justice and to prevent the practising Advocate from being aspersed in criminal proceedings.

22. This Petition is allowed in terms of prayer clause (a). Consequently, the impugned FIR No. 25 of 2026 dated 13.02.2026 registered at the Bicholim Police Station, the Chargesheet No. 34 of 2026 dated 18.03.2026 and all subsequent criminal proceedings arising therefrom against the Petitioner are quashed.

23. The observations made herein are confined to the case of the Petitioner.

24. Rule made absolute in the above terms. No orders as to costs.

25. Criminal Writ Petition No.194 of 2026 is disposed.

ASHWIN D. BHOBE, J.

Signed by: MEENA VISHAL BHOIR
Designation: Private Secretary
Date: 04/11/2026 19:01:51