

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4265 OF 2024

Rita Arvindkumar Mangalik and Anr. ...Petitioners

Versus

The State of Maharashtra and Anr. ...Respondents

SATISH
RAMCHANDRA
SANGAR

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Mr.Sandesh Shukla a/w Ms.Anasamah Sayed, Mr.Devesh
Sawant and Mr.Afsar Ansari i/b. Vivek Patil and Associates –
Advocates for Petitioners.

Mr.J.P.Yagnik – APP for Respondent No.1 – State.

Mr.Anil Lalla, Ms.Rithika Yerra, Mr.Yash Pulekar and Ms.Ankita
Rathod – Advocates for Respondent No.2.

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

DATE : 6th MAY 2025

PC. :

1. This is a Petition for quashing of the F.I.R.
registered vide the C.R. No.226 of 2024 at NRI Sagari Police
station under Sections 109, 323, 406, 498-A, 504, 506 read
with 34 of the Indian Penal Code, 1860 (“**IPC**”).

2. Heard the learned counsel appearing for the
Petitioners as well as for the Respondent No.2.

3. Learned counsel for the Respondent No.2 informs

the Court, that the charge-sheet is already filed in this case. Learned counsel for the Petitioners therefore seeks leave to amend to annex copy of the charge-sheet, and to carry out the consequential amendment in the Petition including the prayer clause. We are inclined to grant leave to amend for that purpose.

4. We have heard the parties for consideration of ad-interim relief. The charge-sheet is already filed, and the trial Court is likely to proceed in this matter. Learned counsel for the Petitioners submitted, that in the entire F.I.R. there is hardly any allegation against the present Petitioners. The F.I.R. itself mentions that after four days from the marriage, the Respondent No.2 along with her husband i.e. the Petitioner's son started residing separately. It is an admitted position as is mentioned in the F.I.R. that the couple was residing separately from the present Petitioners. The allegations against the Petitioners are vague, and general in nature. The Petitioners are senior citizens aged 66 and 70 years respectively. In this background, they can be protected.

5. Learned counsel appearing for the Respondent No.2 submitted, that there are certain allegations against the

Petitioners in the F.I.R. itself. The charge-sheet is not before the Court today. Therefore, at this stage, an ad-interim relief may not be granted.

6. We have considered these submissions, and we have perused the F.I.R. Though the charge-sheet is not before us, the allegations stemmed from the statements made in the F.I.R. by the informant herself. In the F.I.R. as submitted by the learned counsel for the Petitioners, it is mentioned that after the marriage, shortly, the informant and her husband started residing separately. There are general allegations of ill-treatment in the nature of abuses, and some derogatory comments attributed to the Petitioners. There are allegations of instigation to the husband of the informant. Apart from that, there is a particular allegation of retaining the stridhan which in this case to the tune of Rs.2,00,000/- (Rupees Two Lakh) worth of ornaments. The learned counsel for the Petitioners submitted, that the bank statement of the Petitioner shows that the Petitioner No.2 had transferred an amount of more than Rs.4,00,000/- (Rupees Four Lakh) in the account of the informant i.e. the Respondent No.2. Learned counsel Mr.Lalla appearing for the Respondent No.2 seriously disputes this fact.

7. We have considered these submissions. At this stage, we find substance in the submissions of learned counsel for the Petitioners, and we are of the opinion that the Petitioners have made out a case for grant of ad-interim relief. Hence, the following order:-

O R D E R

- (i) Leave to amend is granted to the Petitioners to annex copy of the charge-sheet, and to carry out the consequential amendment in the Petition, and in the prayer clause. The amendment shall be carried out within a period of 6 weeks from today.
- (ii) Till the next date before this Court, the trial Court shall not proceed against the Petitioners.

8. The matter be listed for further consideration on **22nd July 2025.**

(S.M.MODAK, J.)

(SARANG V. KOTWAL, J.)