

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

WRIT PETITION NO. 2553 OF 2022

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1. Dr. Ramesh Kisanrao Sonawane
Age : 65 years, Occ : Medical Practitioner,
2. Mr. Bhushan Ramesh Sonawane
Age : 32 years, Occ : Medical Practitioner,
3. Mr. Harshal Ashok Sonawane
Age : 35 years, Occ : Service,
All R/at : Kirti Nagar, Dharmveer
Sambhaji Bank, Navi Sanghavi,
Talegaon-Dabhade,
Pimpri-Chinchwad, Pune

... Petitioners
(Original Accused Nos. 1 to 3)

V/s.

1. The State of Maharashtra
(Police Inspector, Talegaon-Dabhade
Police Station, Pune)
2. Dattatray Eknath Waware
Age : 28 years, Occ : Agriculturist
R/at: Naygaon, Post. Kamshet
Tal. Maval, Dist. Pune.

... Respondents

Mr. Vikas Shivarkar for the Petitioners.
Mrs. Megha Bajoria, A.P.P. for Respondent -State.
Mr. Dhammaraj Shejul along with Ms. Pratiksha More, Ms. Neha Blani for
Respondent No.2.
Ms. Uma Gawade, API, Talegaon Dabhade is present.

CORAM : RANJITSINHA RAJA BHONSALE, J.

RESERVED ON : 13th JULY 2026

PRONOUNCED ON : 22nd SEPTEMBER 2026.

JUDGMENT :-

1) By the present Petition, under Article 226 of the Constitution of India and Section 482 of the Code of Criminal Procedure, 1973 (for short, 'CrPC') (now 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023), the Petitioners seek to quash and set aside FIR bearing No. 245 of 2021 dated 24th June 2021 registered with Talegaon Dabhade Police Station, Pune, under sections 308, 336, 504, 506 read with section 34 of Indian Penal Code (for short, 'IPC') and the resultant charge-sheet.

2) Heard Mr. Vikas Shivarkar, learned Advocate for the Petitioners, Mrs. Megha Bajoria, A.P.P for Respondent-State. Mr. Dhammaraj Shejul, learned Advocate for Respondent No.2.

3) The facts as alleged in the FIR are as under:

3.1) On 22nd July 2020 at about 11.30 p.m., Respondent No.2 and his wife were sitting on a bench outside the ICU ward of Sai Jeevan Hospital. At that time, three unknown persons came to the ICU and were shouting. The said persons asked Respondent No.2 as to who he was and what he was doing outside the ward. Respondent No.2 was abused and threatened. Respondent No.2 informed the said persons that, his child was serious and admitted in the ICU of the hospital, and therefore, he was waiting outside the ICU. At that time, the said persons told Respondent No.2 to take the child from the hospital and contended that it was their hospital. That, Respondent No.2 pleaded that being night time he could not take his child away from the

hospital. The said persons threatened him that, if he does not take his child from the hospital, they will close the oxygen supply. The said persons stated that, if child dies, Dr. Mahendra Chavan will learn lesson and will be humiliated in the public. The said persons allegedly turned off the oxygen supply to the ICU. That, the said persons started abusing Dr. Mahendra Chavan. On hearing the commotion, the hospital staff, and doctors including Dr. Mahendra Chavan came to the ICU ward. Out of the three persons, two people assaulted Dr. Mahendra Chavan and threatened that, they will not spare him and kill him. The nurses came out from the ICU ward and they started the oxygen supply. The nurses informed Respondent No.2 that his child's health had deteriorated. When Respondent No.2 and his wife went in the ICU to see their child, the child was not normal and appeared to be uncomfortable. They immediately went to call Doctor.

3.2) There was a lot of commotion outside the ICU ward and a lot of people had gathered. Out of the three persons, one person was shouting loudly and threatened Dr. Mahendra Chavan. They threatened Dr. Mahendra Chavan that, they will come back, cause destruction in the hospital and will not bother even if the patient's life is at risk or if any patient loses his life. They threatened to kill Dr. Chavan. They threatened Dr. Chavan that they will ensure that the hospital is shut down.

3.3) After giving threats the said persons went away. After the persons went away Dr. Chavan immediately came to the ICU and treated the child of

Respondent No.2. At that time, Respondent No.2 was informed that, the persons who created the ruckus were relatives of Dr. Chavan inasmuch as Dr. Ramesh Sonawane was his father-in-law, Dr. Bhushan Sonawane, was his brother-in-law and Harshal Sonawane was the nephew. On the aforesaid basis, the present FIR was filed. The Respondent No.2 has explained the delay. That, due to the entire incident he was mentally disturbed and at the same time the treatment of his child was on going. That, after discussing the issue with his wife and father he has filed the FIR.

4) Mr. Vikas Shivarkar, learned Advocate appearing for the Petitioners submits that:-

4.1) Petitioner Nos. 1 and 2 are medical practitioners and belong to a reputed family. They have unfortunately been dragged into the present litigation by the Mr. Mahendra Chavan, son in law of Petitioner No.1. who is also medical practitioner. The hospital in which the incident took place was constructed by Petitioner No.1 and gifted to his daughter Nilima and her husband Mahendra Chavan/ Respondent No.2 out of love and affection.

4.2) There are certain matrimonial disputes between Dr. Nilima and Dr. Mahendra Chavan. The real dispute is in respect of the control and ownership of the said hospital. The present FIR as also the FIR bearing No. 360 of 2020 registered with the Talegaon Dabhade Police Station are all off shoots of the said disputes between Dr. Nilima and her husband Dr. Mahendra Chavan in respect of the control of the hospital.

4.3) On 22nd July 2020, daughter and son of Dr. Nilima Chavan were having fever and unwell. Dr. Nilima is herself a patient of hypertension. That, the electricity of the lift of the hospital was disconnected by Dr. Mahendra Chavan. In the aforesaid facts the Dr. Nilima Chavan was constraint to call Petitioner Nos. 1 and 2. The Petitioner Nos. 1 and 2 took the necessary medicines and thermometer etc., from their hospital at Sangavi and rushed to the Sai Jeevan Hospital where Dr. Nilima Chavan resides with her children. The Petitioner Nos. 1 and 2 checked the children and gave them required medicines. Dr. Mahendra Chavan took disadvantage of the entry of the Petitioner in the said premises and lodged an NC against the Petitioners.

4.4) Dr. Mahendra Chavan had filed a private complaint under Section 304, 323, 427, 504, 506 r/w 34 of the Indian Penal Code. In the said private complaint, the Court of the JMFC was pleased to reject the prayer for investigation under Section 156(3) of the Code of Criminal Procedure but granted liberty to Dr. Mahendra Chavan to proceed under Section 200 of the Code of Criminal Procedure. The said Order was passed on 10th September 2020. On 6th March 2021, Dr. Mahendra Chavan was directed by the Court to produce his witnesses for examination. That, there has been no progress in the said criminal proceedings.

4.5) Thereafter, Dr. Mahendra Chavan instigated Respondent No.2 to register the FIR. Due to the said instigation, the Respondent has registered the present FIR on 24th June 2021 in respect of an offence which took place on

22nd July 2020. The aforesaid facts clearly indicate that, the FIR is nothing but an attempt to harass and arm twist the Petitioners and Dr. Nilima Chavan in giving in to the illegal demands of Dr. Mahendra Chavan.

4.6) The clinical notes in respect of the son of Respondent No.2 would clearly indicate that, the condition of Respondent No.2's son was normal. Saturation levels of Respondent No.2's son were consistent and normal even at the time when the allegation of closing the oxygen supply is made. The admission papers/hospital record do not indicate or corroborate the fact that, the oxygen supply was shut down.

5) Mrs. Megha Bajoria, learned APP appearing for the Respondent-State submits that, the statement of the watchmen and nurses have been recorded which form part of the charge-sheet. The statements of the eye witnesses, if perused, clearly make out an offence against the Petitioners. That, a prima facie offence has been made out. Photographs have been annexed in the record which have the timing and the date. The presence of the Petitioners at the hospital cannot be disputed. That, what the Petitioners have raised are their defences and the same need to be tested at the trial.

6) Mr. Dhammaraj Shejul, learned Advocate appearing for the Respondent No.2 submits that, there are specific allegations against the Petitioners. That, apart from the allegations of abuse, assault and threats, there are serious allegations of closing the oxygen supply to the ICU wherein serious patients including son of Respondent No.2 were admitted. The

employees of the said hospital have witnessed the entire incident. A specific role attributed to the said persons. The allegations in respect of the offences as alleged has been clearly made out. In the present case charge-sheet has been filed.

7) Perused the entire record. Perusal of the record indicates that, the allegations made by Respondent No.2 are prima facie made out. The Respondent No.2 has named the Petitioners only after being informed of the names by Dr. Mahendra Chavan. It is a matter of record that, the son of Respondent No.2 was admitted in the ICU at the relevant time. The chargesheet has been filed which has statements of various witnesses including nurses, hospital staff and the watchmen of the hospital.

7.1) The perusal of the charge-sheet would further indicate that, the prima facie presence of the Petitioners cannot be disputed. As regards the delay is concerned, the Respondent No.2 has given an explanation for the delay. It is not a case where, the delay is totally unexplained. The question whether the explanation offered by Respondent No.2 is plausible or not is a question which can be raised and tested at the trial.

8) There is prima facie enough material on record in the form of the statements to make out the offence against the Petitioners. In my considered view, what the Petitioners have raised are all their defences which have to be tried and tested in the trial. The Court while exercising the jurisdiction and power under Section 482 of the CrPC cannot consider the defences or

minutely evaluate the evidence. From the facts of the present case, it cannot be said that no case is at all made out against the Petitioners. In fact, I find that there is material on record in the form of statements of witnesses which prima facie implicate Petitioners in the said offence.

9) It is settled law that, in proceedings under Section 482 of the CrPC, this Court is not required to conduct a mini trial or get into the nitty-gritties of the evidence. What the Petitioners raised are all their defences. This Court while exercising jurisdiction under Section 482 of the CrPC cannot enter into the arena of evidence or minutely scrutinize the evidence on record. A useful reference to the Judgment of the Hon'ble Supreme Court in the case of *Central Bureau of Investigation vs. Aryan Singh* reported in (2023) 18 SCC 399 wherein the Hon'ble Supreme Court has categorically held that while considering the Application under Section 482 of the CrPC, the Court cannot conduct a mini trial.

10) The Hon'ble Supreme Court in the case *Manik B. V/s. Kadapala Sreyes Reddy & Anr.*, reported in 2023 SCC OnLine 2540 has held that, the Court would exercise its power to quash a proceeding under Section 482 of the CrPC only if it finds that taking the case at its face value no case is at all made out. Considering the scope and ambit of Section 482 of the CrPC, and the facts of the present case it would not be permissible for this Court to go into the correctness or otherwise of the material placed by the prosecution in a chargesheet. The submissions advanced on behalf of the Petitioner across

the bar are all in fact the defences of the Petitioners.

11) In my considered opinion, the facts of case do not make out a cause to exercise the inherent jurisdiction of the Court under Section 482 of the CrPC. In my opinion, the allegation in the FIR make out a prima facie case against the Petitioners. The Petitioners have the liberty to raise their defences at the trial during the cross examination or by examining their own defence witnesses.

12) In view of the aforesaid facts and circumstances and after considering the law as enunciated by the Hon'ble Supreme Court, I am of the opinion that, the Petitioners have not made out any case for exercising the powers under Section 482 of the CrPC.

13) In view thereof, the Petition is dismissed.

(RANJITSINHA RAJA BHONSALE, J.)