

**Order Below Exh. 1 in Cri. B. Appln. No. 211/2022**  
**CNR No.MHNS010006042022**

Namdeo S/o. Tulsiram Ahire Vs. State

**Heard:** Ld. Adv. Ms. Rekha Dhuldhule for the applicant.  
Ld. A.P.P. Ms. S. S. Sangle for the State.

1. This is an application under section 438 of the Code of Criminal Procedure since the applicant apprehends arrest in an offence (under section 498-A of the Indian Penal Code, 1860) which may get registered against him at Upnagar Police Station, Nashik by the complainant Sima Rustam Tayade-Ahire.

2. Learned Advocate for the applicant has submitted that the applicant has reason to believe that an offence may get registered against him by the complainant wife. The applicant's wife has filed a complaint with the Women's Cell and he has been receiving phone calls from the Upnagar Police station. The applicant is a police-man posted at Mumbai and is ready to abide by the terms and conditions imposed by the Court and also co-operate with the investigating agency. Custodial interrogation of the applicant is not necessary.

3. Ld. A.P.P. has submitted that no complaint has been filed in the police station.

4. Prima-facie, the complainant is the legally wedded wife of applicant. The FIR is not yet registered. In view thereof, I am inclined to partly allow the application in terms of the following order.

**: ORDER :**

- 1] Application is partly allowed.
- 2] Upnagar Police Station, Nashik is directed to give 72 hours prior notice to arrest the applicant Namdeo S/o. Tulsiram Ahire in case an offence against him is registered by the complainant Sima Rustam Tayade-Ahire under section 498-A of the Indian Penal Code, 1860.
- 3] Application is disposed of accordingly.

Nashik  
18/02/2022

Mridula Bhatia  
District Judge-2 and  
Additional Sessions Judge, Nashik.