

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

CRI. WRIT PETITION NO. 4286 OF 2014

Mr. Prashant Prakash Patil & 5 Others. ... Petitioners.

V/s.

State of Maharashtra & Anr. ... Respondents.

Mr. Mayur D. Sapkale, Advocate for the Petitioners.

Smt. P.P. Bhosale, APP for the State.

CORAM : M.L.TAHALIYANI, J.

DATE : 13 JANUARY, 2015

P.C. :

1 Heard. Admit. By consent, taken up for final hearing.

2 Heard the learned counsel for the Petitioners and learned additional public prosecutor for the State. None appears for the Respondent No.2.

3 I have gone through the complaint filed in the court of Metropolitan Magistrate by Respondent No.2 against her husband Petitioner No.1 and other Petitioners. The only allegation against the Petitioners are found in para 4 of the complaint, which can be reproduced as under :

“... ... When they returned back (Kashmir) to Alibga, the opponent no.1 as per demands of opponent nos. 2 to 10 started demanding Rs.10,00,000/- from the parents of the applicant for expanding his business, and for the said reason he has started abusing her in very filthy languages and beaten her mercilessly with fist and blows.”

Further allegations against the Petitioners are available at para 7 of the complaint, which also can be reproduced as under :

“... ... The opponents always tounting and insulting the applicant in presence of relatives and others. They are not allowing the applicant to take single cup of tea, whenever she was not completed entire household work,”

4 It can be seen that the allegations against the Petitioners at para 7 are vague and the victim did not describe the actual role of the Petitioners. As far as allegations at para 4 with regard to the demand of Rs.10,00,000/- are concerned, it can be seen that Respondent No.2 felt that Applicant-Petitioner No.1 Prakash Patil was demanding money at the instance of other Petitioners/Applicants. Respondent No.2 had never seen other Petitioners instigating the Petitioner No.1 for

such demand. As such the allegations against the Petitioner Nos.2 to 6 / Applicant nos.2 to 6 appear to be baseless and proceedings pending against them need to be quashed. As far as the Petitioner No.1/Applicant no.1 is concerned there are many allegations against him in the complaint for which he will have to file reply before the trial court. Hence, I pass the following order :

- i. Prayer of the Petitioner No.1/Applicant No.1 for quashing the proceedings against him pending in the court of Metropolitan Magistrate is rejected.
- ii. Prayer of Petitioners Nos. 2 to 6 /Applicant Nos.2 to 6 is granted in terms of prayer clause (a).
- iii. Proceedings pending in the court of Judicial Magistrate, vide case no.175/2013 under the Protection of Women from Domestic Violence Act as against the Petitioner Nos. 2 to 6 / Applicant nos.2 to 6 are hereby quashed.
- iv. Writ Petition is disposed of in the above terms.

(JUDGE)

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