

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 5169 OF 2016
(Sachin s/o Tukaram Sawant and others Vs. The State of Maharashtra and another)

Mr. Suvidh S. Kulkarni, Advocate for the applicants
Mr. A.R. Borulkar, A.P.P. for the respondent/State

CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.

DATE : 26th September, 2016

PER COURT :

Heard.

2. The applicants dispute the fact that there was marriage of applicant No. 1 with the informant. The informant has placed a copy of the certificate at Exhibit-B (page 17) of the compilation of the application. It is the submission of the learned counsel for the applicants that the said certificate is not genuine and is not signed by the informant. It is further submitted that Section 498A of the Indian Penal Code cannot be invoked against applicant Nos. 2 and 3 since there was no solemnization of the marriage at all by applicant No. 1 with the informant/respondent No. 2. In support of the contention that the father-in-law and

mother-in-law of the informant i.e. applicant Nos. 2 and 3 are not the relatives of the husband and therefore, Section 498A of the Indian Penal Code cannot be invoked against them, the learned counsel for the applicants places reliance on judgment in the case of ***U. Suvetha V. State by Inspector of Police and another 2009 CRI.L.J. 2974.***

3. We have carefully perused the contents of the FIR and also the documents placed on record and in particular the copy of the certificate (Exhibit-B to the application). Whether there was marriage or otherwise is a matter of investigation. The Investigating Officer will investigate into the matter. Apart from it, there are allegations against the applicants. Therefore, at the stage of investigation of the FIR, no case is made out for entertaining this application. Hence, the criminal application stands rejected.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE