

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO.1299 OF 2015

1 Pratibha w/o Ashok Davane,
@ Pratibha d/o Panditrao
@ Nijlingappa Shinde,
age: 44 years, Occ: service,
R/o Near Dnyanodaya High School,
77, Vishwa Nagar, Vijapur Road,
Solapur, District Solapur-413 004.

2 Vandana w/o Vithal @ Vithoba
Bhaskar @ Vandana d/o Panditrao
@ Nijlingappa Shinde,
age: 41 years, Occ: Housewife,
R/o Laxmi Nagar, Yadgir,
Tq. District Yadgir (Karnataka).

Petitioners

Versus

1 The State of Maharashtra,
through Police Inspector,
Police Station, Omerga,
Tq. Omerga, District Osmanabad.

2 Kanupatra @ Minakshi w/o
Milind Shinde,
Kanupatra @ Minakshi d/o Pralhad
Gaikwad, age: 35 years,
Occ: Household, R/o Kasgi,
Tq.Omerga, District Osmanabad.

Respondents

Mr.S.B.Gastgar, advocate for petitioners.
Mr.M.M.Nerlikar, APP for Respondent No.1.
Mr.S.N.Patne, advocate for Respondent No.2.

CORAM : R.M.BORDE &

K.L.WADANE, JJ.

DATE : 30th March, 2016

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 Petitioners are implicated in Crime No.248/2014 registered at Police Station Omerga, District Osmanabad, on 22.09.2014, for commission of offences punishable under Sections 498A, 323, 504 read with Section 34 of the Indian Penal Code.

3 Learned A.P.P., appearing for Respondent-State, informs that investigation in the crime is complete and charge sheet has already been presented to the Court of Magistrate.

4 In this view of the matter, request made by the petitioners to quash the proceedings initiated against them does not need consideration. It would be open for the petitioners to tender an appropriate application for their discharge before the Magistrate.

5 Petitioners are also praying to quash the proceedings initiated against them under the provisions of Protection of Women from Domestic Violence Act, 2005. At the instance of Respondent No.2, a complaint is presented to the Court of Judicial Magistrate, First Class, Omerga, against petitioners and others under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

6 On perusal of the complaint, it transpires that there are no specific acts attributed to the petitioners nor any relief is claimed against them. Apart from the petitioners, who are real sisters of husband of the complainant, Respondent No.2-

complainant has impleaded her husband, mother in law and brother in law as accused. Since neither any relief is claimed against petitioners in the complaint presented to the Judicial Magistrate, First Class, Omerga, nor there are any acts constituting an offence attributable to the petitioners, their impleadment in the complaint is unwarranted. The relief claimed by the petitioners in respect of quashing of proceedings initiated against them under the provisions of Protection of Women from Domestic Violence Act, 2005, needs favourable consideration.

7 Criminal Proceedings initiated against petitioners in pursuance to lodging of complaint bearing Criminal M.A. No.40 of 2015 before the Judicial Magistrate, First Class, Omerga, stands quashed to the extent of petitioners only.

8 Rule is made absolute to the extent specified above.

K.L.WADANE
JUDGE

adb/crwp129915

R.M.BORDE
JUDGE