

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

CRIMINAL APPLICATION NO. 287 OF 2017

Smt. Yojana Laxman Bhavar & Anr. ... Applicants.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. Sanjeev P. Kadam, Advocate for the Applicants.

Mr. V. V. Gangurde, APP for the State.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 16 MARCH, 2017

P.C. :

1 The applicants are aggrieved by the order dated 19.10.2016 by which the trial Court has issued process against the applicants.

2 The learned counsel for the applicants has strenuously criticized the impugned order. He submits that both the parties i.e. the daughter of applicant no.1 - Neelam and her son-in-law - Santosh were before the Hon'ble Apex Court in Transfer Petition No. 217 of 2016. On 28.10.2016, after hearing the parties, the Hon'ble Apex Court delivered its order by which it was declared, under Article 142 of the Constitution of India, that the marriage between the parties is annulled. The said transfer Petition was, therefore, disposed

of by the Apex Court by annulment of marriage and the decree was directed to be drawn accordingly.

3 The Applicants do not dispute that the alleged incident as mentioned in the impugned order, is said to have occurred on 13.12.2015. The applicants have also filed a counter police complaint against the respondents. It is trite law that if the trial court finds some material by which an offence could be made out, irrespective of the result of the trial, 'process' can be issued. What is required is that the trial court must refer to the material available while issuing the process. From the impugned order, I find that the trial court has discussed the material before it and has, prima facie, concluded that the process needs to be issued.

4 Considering the reasons assigned by the trial court, I do not find that the impugned order can be termed as being perverse or erroneous.

5 The Criminal Application is devoid of merits. It is therefore, dismissed.

(RAVINDRA V.GHUGE,J.)

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