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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR**

CRIMINAL APPLICATION (APL) NO.612 OF 2015

1. Ritesh Gajnanrao Patkar,
Aged about 30 years,
Occ: Chemical Engineer Saitech
Chemical, Butibori, Nagpur,
R/o. C/o. Gajananrao Narayanrao
Patkar, 51, Ambavihar, Behind
Ravinagar, Behind Ex. MLA
Dhane Patil, Amravati,
Tq. & Dist. Amravati.
2. Sau. Savita Gajananrao Patkar,
Aged 55 years, Occ: Household,
3. Gajananrao Narayanrao Patkar,
Aged 60 years, Occ: Retired
Veterinary Doctor,

Applicant Nos. 1 to 3 R/o. 51,
Ambavihar, Behind Ravinagar,
Behind Ex. MLA Dhane Patil,
Amravati, Tq. & Dist. Amravati.

4. Sau. Jyoti Udhavrao Sangale,
Aged about 51 years,
Occ: Household, R/o. PKV Colony,
Near Ayodhya Nagar, Near Kothari
Watika No.2, Malkapur,
Tq. & Dist. Akola.

..APPLICANTS

VERSUS

Sau. Renushree Ritesh Patkar,
Aged about 25 years, Occ: Household,
R/o. C/o. Pandurang Bhikaji Ghode,
Plot No.7, Swastik Gruhnirman
Society, Keshav Nagar, Akola,
Tq. & Dist. Akola,
Police Station, Khadan Akola.

..RESPONDENT

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Mr Sagar Katkar, Advocate for applicants;
Mr A.S. Dhore, Advocate h/f Mr O.Y. Kashid,
Advocate for respondent

CORAM : N.W. SAMBRE, J.

DATE : 15th MARCH, 2017

ORAL ORDER :

On 5th May, 2015 respondent Renushree was married to Ritesh Gajananrao Patkar, applicant before this Court. Out of matrimonial discord, proceedings under the Protection of Women from Domestic Violence Act (for short, 'D.V. Act'), came to be initiated by respondent-Renushree, being M.C.C. No. 813 of 2015 seeking relief under Sections 18, 19, 20, 21, 22 of the D.V. Act. Amongst other, husband-respondent No.1, mother in law – respondent No.2, father in law – respondent No.3 and maternal aunt of husband Ritesh came to be added as non-applicant to the said proceedings.

2. Present proceedings are taken out by all the respondents questioning the tenability of the proceedings under D.V. Act on the ground that after marriage, it is hardly for any time complainant

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Renushri resided with applicants before this Court. A submission is also made that present proceedings are initiated only for the purpose of settling personal score by twisting arms so that original complainant should get some monetary benefits. Reliance is also placed on the documents at Exhibits-12 and 13, pursis wherein original complainant refused to stay with the present applicants.

3. Per contra, original complainant submits that after marriage, she stayed with the present applicants for few days and it is during this period, there was domestic relationship and she was subjected to domestic violence. Mr. Dhore, learned Counsel for the respondent would invite attention of this Court to the pleadings in the complaint, particularly as regards alleged payment of dowry, cruelty, insulting treatment meted out to the complainant by the applicants etc. He would then urge that proceedings under D.V. Act are already at the stage of recording of evidence and this Court should be slow in entertaining proceedings as there

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is every right to the applicants to approach the same Court praying for discharge.

4. Considered rival submissions. Perused the complaint preferred by complainant under the D.V. Act. Upon plain reading of the complaint, I hardly see any allegations, particularly specific allegation against non-applicant No.4 i.e. present applicant No.4 Jyoti Udhavrao Sangale. It is not the case of original complainant-respondent that said Jyoti was residing with other non applicants and Renushree-respondent was in domestic relations with the said non applicant Jyoti. There are allegations against other non applicants viz. husband, mother in law and father in law but for material aunt of husband Ritesh. Apart from above, notice is required to be taken of the fact that said non applicant No. 4 Jyoti is residing at Malkapur District Akola away from the place of residence of complainant, so also non applicant Nos. 1 to 3. Perusal of the complaint depicts that there is only passing and general reference which is too vague to answer as against the original non applicant No.4. As such, even if presuming what

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has been stated in the complaint is true, still in my opinion, no domestic relationship could be inferred between applicant No. 4 i.e. original non applicant NO.4 and respondent herein i.e. original complainant in the D.V. Proceedings. In view thereof, in my opinion, proceedings against non applicant No.4 i.e. present applicant No. 4 Jyoti Udhavrao Sangale is not sustainable.

5. In view thereof, present application needs to be allowed to the extent of quashing proceedings initiated against applicant No. 4 Jyoti Udhavrao Sangale being M.C.C. No. 813 of 2015 under the provisions of D.V. Act before learned Judicial Magistrate, First Class, Akola.

6. So far as claim at the behest of the applicant Nos. 1 to 3 is concerned, I hardly see any merit and same is dismissed.

7. With the above observations, the application stands disposed of.

(N.W. SAMBRE, J.)