

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1411 OF 2017

1. Sushil s/o. Omprakash Mane,
Age 21 years, Occu. Education,
R/o. Plot No. H-1, Thakre Nagar,
N-2, CIDCO, Aurangabad.
2. Pawan s/o. Dattatraya Waral,
Age 39 years, Occu. Private Service
and Business, R/o. House No. 159,
Laxminagar, Savedi Nagar,
Aurangabad Road, Ahmednagar.

....Petitioners.

Versus

1. The State of Maharashtra
Through Police Inspector
Police Station, Mukundwadi.
2. Manjusha Abhijit Mane,
Age 28 years, Occu. Household,
At present R/o. Shivshakti Apartment,
(Near Bhagiwali Bai Circle),
Pir Bazar, Osmanpura, Aurangabad,
Tq. & Dist. Aurangabad.

....Respondents.

Mr. Rajendra S. Deshmukh, Advocate for petitioners.

Mrs. D.S. Jape, APP for respondent No. 1/State.

Mr. N.S. Ghanekar, Advocate for respondent No. 2.

**WITH
CRIMINAL WRIT PETITION NO. 1318 OF 2018**

Supriya d/o. Omprakash Mane,
Age 24 years, Occu. Education,
R/o. Flat No. 302, Opp. Shalini Heights,
Near Rokdoba Mandir, Shivaji Nagar,
Pune.

....Petitioner.

Versus

1. The State of Maharashtra
Through Police Inspector
Police Station, Mukundwadi,
Tq. & Dist. Aurangabad.
2. Manjusha Abhijit Mane,
Age 28 years, Occu. Household,
At present R/o. Shivshakti Apartment,
Pir Bazar, Osmanpura, Aurangabad,
Tq. & Dist. Aurangabad.

....Respondents.

Mr. Rajendra S. Deshmukh, Advocate for petitioners.

Mrs. D.S. Jape, APP for respondent No. 1/State.

Mr. N.S. Ghanekar, Advocate for respondent No. 2.

**CORAM :T.V. NALAWADE AND
SMT. VIBHA KANKANWADI, JJ.
DATED : 07/12/2018.**

JUDGMENT : [PER T.V. NALAWADE, J.]

1) Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2) Criminal Writ Petition No. 1318/2018 is filed by the unmarried sister of husband of first informant and Criminal Writ Petition No 14121/2018 is filed by real brother of husband and maternal uncle of husband. The crime is registered for offences punishable under section 307, 354-A, 498-A etc. of Indian Penal Code and sections 3 and 4 of Dowry Prohibition Act, 1961. The marriage had taken place on 25.4.2018. Some allegations are made against Sushil Mane, brother of husband that he used to live in the

same house when the first informant started cohabiting with the husband and allegation is made against the sister of the husband that she used to taunt on her. Some specific instances are mentioned of illtreatment, but they are as against the father in law and mother in law and not against the present applicants. The allegations made against the present applicants are very vague in nature. Applicant No. 2 was admittedly not living in the house where the first informant cohabited with the husband and record is produced in respect of sister of the husband to the effect that she was receiving education at different place right from the beginning. In view of this material, this Court holds that it will be abuse of process of law if these applicants are asked to face the trial for aforesaid offences. In the result, Both the applications are allowed. Relief is granted to them in terms of prayer clause 'B' in both the proceedings. Rule is made absolute in those terms.

[SMT. VIBHA KANKANWADI, J.]

[T.V. NALAWADE, J.]

ssc/