

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

CRIMINAL WRIT PETITION NO. 1927 OF 2019

Purva w/o. Hitesh Munot,
Age 37 years, Occu. Household,
R/o. Plot 336/337, Sector-E,
Behind ESIS Hospital, N-1, CIDCO,
Aurangabad-431003.

....Petitioner.

Versus

1. The State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai -32.
2. The Commissioner of Police,
Office of Commissioner of Police,
Dr. Babasaheb Ambedkar Marg,
Mill Corner, Aurangabad.
3. The Police Inspector,
Women's Grievance Redressal Cell,
Aurangabad.
4. The Police Inspector,
M.I.D.C.-CIDCO Police Station,
Aurangabad.
5. Hitesh s/o. Ramesh Munot,
Age 39 years, Occu. Business,
R/o. A 1202, the Balmoral Estate,
Opp. Jalebi Junction,
Baner-Mhalunge Road,
Baner, Pune-411045.
6. Manik w/o. Ramesh Munot,
Age 68 years, Occu. Household,
R/o. "Mangalam", Tilakwadi,
Yewatmal, Dist. Yavatmal.
7. Ramesh s/o. Hirachand Munot,
Age 72 years, Occu. Business,
R/o. "Mangalam", Tilakwadi,

Yewatmal, Dist. Yavatmal.

....Respondents.

Mr. T.K. Prabhakaran h/f. Mr. A.S. Kulkarni, Advocate for petitioner.

Mr. K.S. Patil, APP for respondent Nos. 1 to 4.

Mr. V.A. Bagadiya, Advocate for respondent No. 5.

Miss. N.S. Bagwe, Advocate for respondent Nos. 6 & 7.

**CORAM : T.V. NALAWADE AND
M.G. SEWLIKAR, JJ.**

DATED : 22/01/2020.

ORAL JUDGMENT :

1) Rule. Rule made returnable forthwith. Heard both the learned counsel for petitioner and the learned APP for final disposal. Though the husband is made party respondent, no hearing is given to his counsel.

2) The submissions made and the record show that the petitioner is wife of respondent No. 5 Hitesh. It is her contention that on the date of petition and from that day, she is ordinary resident of Aurangabad. She is present in the Court hall today. She had given report to police on 10.11.2018. In the report, following allegations are made.

She has mentioned that there was quarrel and in the quarrel, husband assaulted her and about 15 days prior to the date of report, she had returned to her parents house. It is her contention that by visiting the

place of her parents, her husband had said to her that he would not return the amount taken as hand loan from her parents and she should obtain in writing that they had received the amount from him. It is her contention that he had abused her and he had assaulted her by fist blows and he had warned her not to enter in the house situated in Pune. He has given threat to break her limbs if she returns to Pune.

3) The submissions made show that police had referred the matter to Grievance Redressal Forum. The Forum had called husband, but husband did not turn up. On the basis of aforesaid allegations, only N.C. is registered by police. If one goes through the definition of 'cruelty' given under section 498-A of I.P.C., it can be said that on the count of money, there was harassment, cruel treatment to the petitioner, wife. The learned counsel for the petitioner placed reliance on the observations made by the Apex Court in the case of **Social Action Forum for Manav Adhikar and Anr. Vs. Union of India Ministry of Law and Justice and Others** reported as **2018 DGLS (SC) 894**. That case was also in respect of offence punishable under section 498-A of I.P.C. This Court has gone through para Nos. 38 and 39 of aforesaid case. In view of the aforesaid circumstances, this Court holds that police ought to have registered the crime for offence punishable under section 498-A of

I.P.C. and also under section 323, 504 etc. of I.P.C. As that is not done, this Court holds that direction needs to be given to respondent No. 4 M.I.D.C.-CIDCO Police Station, Aurangabad. In the result, following order.

ORDER

The petition is allowed. Direction is given to the concerned police station, respondent No. 4 to see that crime is registered against the husband. If felt necessary, exhaustive statement of informant may be recorded in view of the report already given by her.

Rule is made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]

ssc/