

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

914 CRIMINAL APPLICATION NO.2488 OF 2021

SHASHIKALA W/O KISAN GUNJAL AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. A.M. Inamdar, Advocate for applicants

Mr. A.M. Phule, APP for the respondent No.1

Mr. Parikshit Mantri, Advocate h/f Mr. A.A. Puranik, Advocate for respondent
Nos.2 and 3

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 28th JUNE, 2022

PER COURT :

1 Present application has been filed invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure, 1973 for quashing Criminal Miscellaneous Application No.288/2018 pending before the Court of Judicial Magistrate First Class, Karjat, Dist. Ahmednagar by the respondent No.2 under Section 12 of the PWDV Act for various reliefs to herself and for respondent No.3.

2 The petitioners are the mother-in-law, sister-in-law and brother-in-law of respondent No.2.

3 Heard learned Advocate Mr. A.A. Inamdar for the applicants, learned APP Mr. A.M. Phule for the respondent No.1 and learned Advocate Mr. Parikshit Mantri holding for learned Advocate Mr. A.A. Puranik for the respondent Nos.2 and 3.

4 Perusal of the petition would show that the petitioners are seeking quashment on the ground that they were residing separately and the husband of respondent No.2 was residing separately since the date of marriage of the respondent No.2 and her husband. Respondent No.2 got married on 20.06.2014. The husband is serving with Maharashtra State Electricity Distribution Company Limited since prior to the marriage. Even as per the application, that has been filed before the learned Magistrate by the respondent No.2, the husband was serving at Dhule when they got married and thereafter it is stated that he was transferred to Aurangabad. It is said that the petitioner Nos.1 and 3 reside at Dusara Beed, Tq. Sindkhedraja, Dist. Buldhana and petitioner No.2 is residing in Beed. She is stated to be married sister-in-law. However, if we consider application before the learned Judicial Magistrate First Class the petitioners address has been shown at Shinde Nagar, Canal Road, Beed, Tq. & Dist. Beed. Therefore, now it would be a disputed fact, as to whether the present petitioners were residing at Beed since beginning or they are residing at the place of address that has been

given in the petition. This Court under its inherent powers cannot go to the disputed facts when the matter is before learned Judicial Magistrate First Class, so also the roznama dated 21.02.2022 gives a picture that the evidence of the aggrieved person is over and the matter is pending for the evidence by the respondents.

5 Further, the contents of the complaint would show that present petitioners is stated to have been interfering in the married life of the respondent No.2 herein and the respondent No.1 before the Trial Court. She has tried to give those instances which according to her amounted interference and causing domestic violence to her. The Act prescribes for various kinds of domestic violences. It is not limited to actual physical violence but it is in the form of mental violence as well as financial violence. The contents of para Nos.5, 7, 8, 11, 12 speak about the domestic violence and therefore, what has been prayed against the petitioners is the prohibitory orders and the monetary benefits are claimed from the husband. Under such circumstance, no case is made out for quashing the complaint by invoking the inherent powers of this Court under Section 482 of the Code of Criminal Procedure. Application stands rejected.

(Smt. Vibha Kankanwadi, J.)