

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

CRIMINAL APPLICATION NO. 3779 OF 2019

SHESHRAO S/O. SAMBHAJI KAMBLE AND ANR

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicants : Mr. Kamble Dinkar G.

APP for Respondent No.1/State : Mr. S. W. Mundhe

Advocate for Respondent No.2 :Mr. Dhage Vivek J.

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CORAM : KISHORE C. SANT, J.

DATE : 20th DECEMBER 2022.

Per Court :

Heard.

1. By way of this application, the applicants have prayed for quashing of PWDV Application No.39/2019 filed by the original respondent nos. 4 and 5, who happens to be sister-in-law and husband of the original applicant, who has filed an application. It is submitted that all the allegations against these applicants are false and vague and no case is made out against them. He further submitted that the applicants are unnecessarily implicated with an oblique motive.

However, on going through the application, it is seen that all the allegations are made against the applicant no.1 who is original respondent no.4. There are further allegations against the applicant no.1 that he has beaten up the original applicant. It is these applicants against whom the allegations of abusing etc., are made.

2. The learned Advocate for respondent no.2 submits that these two applicants are behind every harassment. The allegations are specific. Some instances are reported against the applicant no.1 about the demand of amount for treatment of present applicant no.2.

3. At this stage, this Court cannot go into the falsity or otherwise of the allegations. This Court only has to see whether there is a prima facie allegations making out a case under Domestic Violence Act. The learned Advocate for the applicants in his support, has relied upon the judgment delivered by this Court in Criminal Application No.2247/2016. In that case, the Court had found that the original respondents though were made a party, there were no allegations against them. In that view of the matter, the proceeding against them

was quashed. On going through the applications in this matter, it is clearly seen that there are allegations made against the present applicants. In fact if the allegations are taken as true, it would show that it is these two persons for whom the demand of money is made by the in-laws. In such circumstances, it cannot be said that no case is made out against the present applicants. This Court does not find any merit in this application and therefore the application is rejected and stands disposed off accordingly.

[KISHORE C. SANT, J.]

Najeeb.