

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

CRIMINAL APPLICATION NO.329 OF 2020

Pandhari s/o. Bapurao Kambale and ors.	..Applicants
Vs.	
The State of Maharashtra and anr.	..Respondents

Mr.M.G.Biradar, Advocate for applicant
Mr.M.M.Nerlikar, APP for respondent no.1
Ms.Yogita Thorat, Advocate (appointed) for respondent no.2

**CORAM : R.G.AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATE : JULY 10, 2023**

ORDER :-

After hearing learned counsel for the applicants for a while, he comes around to withdraw the application of applicant no.1 - husband and his parents, i.e. applicant nos.1 and 3. The application of these applicants stand disposed of as withdrawn.

2. Two of applicants are married sisters-in-law, while one applicant is the brother in law of the respondent-informant. The other three applicants are nephew. The allegations against them are to the effect that whenever they used to visit the informant's matrimonial house, they used to instigate the mother-in-law to illtreat the respondent-informant. The FIR is conspicuously silent to aver the

present applicants to have instigated the mother-in-law to ill-treat the respondent-wife with a view to coerce her to meet from her parents an unlawful demand of money or thing. As such, even if the averments in the FIR, so far as present applicants are concerned, are taken as it is, the ingredients of the offence under Section 498-A of Indian Penal Code do not get attracted.

3. In the circumstances, directing these applicants to face the trial would be an abuse of the process of Court. In view of the same, we are allowing the application in terms of prayer clauses (B) and (B-1).

4. Fee of learned counsel appointed to represent respondent no.2 is quantified at Rs.6,000/- (Rupees Six Thousand)

[SANJAY A. DESHMUKH, J.]

[R.G. AVACHAT, J.]

KBP